



**City of Leavenworth**  
 100 N. 5<sup>th</sup> Street  
 Leavenworth, Kansas 66048

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, JULY 28, 2020 7:00 P.M.**

**Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting**  
*Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live*

**The Leavenworth City Commission meeting will be open to the public with limited seating capacity.**  
**To reserve a seat, email [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 4:00 pm on July 28. Seats will be available on a first come first service basis. To mitigate the spread of COVID-19 face coverings and social distancing are REQUIRED to attend the meeting. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to continue to view the meeting via Facebook Live or Channel 2 and to submit public comments to be read during Public Comments portion of the meeting and questions on agenda items to be read during discussion on that topic. Submit your comments or question to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on July 28. For call in options related to commenting on agenda items, submit your inquiry to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org)**

**Call to Order – Pledge of Allegiance Followed by Silent Meditation**

**Proclamation:**

- 1. National Farmers Market Week August 2-8 (pg. 3)

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

- 2. Minutes from July 14, 2020 Regular Meeting **Action:** Motion (pg. 4)

**Second Consideration Ordinances:**

- 3. Second Consideration Ordinance 8133 Amending Sec. 44-87 No Parking Anytime **Action:** Roll Call (pg. 11)
- 4. Second Consideration Ordinance 8134 Rescind Special Use Permit 1922 5<sup>th</sup> Ave **Action:** Roll Call (pg. 15)

**NEW BUSINESS:**

**Public Comment:** \* emails received by the public for public comment on non-agenda items will be read at this time.

**Public Hearing:**

- 5. Public Hearing – Consideration of TIF Redevelopment District (Price Chopper Redevelopment) (pg. 17)
  - a. Open Public Hearing **Action:** Motion
  - b. Staff & Citizen Comments
    - i. **Dial in using your phone**  
 United States: [+1 \(224\) 501-3412](tel:+12245013412)  
**Access Code:** 537-736-725
  - c. Close Public Hearing **Action:** Motion
  - d. First Consideration Ordinance **Action:** Consensus

**General Items:**

- 6. Consider 2020 Edward Byrne Memorial Justice Assistance Grant Application **Action:** Motion (pg. 25)

**Resolution:**

7. Resolution B-2258 Set Public Hearing to Consider Community Improvement District (CID) Luxury & Imports  
**Action:** Motion (pg. 29)

**Bids, Contracts and Agreements:**

8. Consider Request From Leavenworth Soccer Association Fee Adjustment for 2020  
**Action:** Motion (pg. 35)
9. Consider New Leavenworth Soccer Association Agreement  
**Action:** Motion (pg. 36)
10. Consider a Memorandum of Understanding with the City of Lansing for K-7/Eisenhower Rd Improvements Cost Share  
**Action:** Motion (pg. 45)
11. Consider Bids for 2020 Stormwater Project 2019-921  
**Action:** Motion (pg. 50)
12. Consider Bids for 2020 Pavement Management Program  
**Action:** Motion (pg. 54)

**First Consideration Ordinances:**

13. First Consideration Ordinance Special Use Permit 1019 Ottawa Street; Two-Family Dwelling in R1-6 District  
**Action:** Consensus (pg. 57)
14. First Consideration Ordinance Special Use Permit 1906 Cleveland Terr; Two-Family Dwelling in R1-6 District  
**Action:** Consensus (pg. 68)
15. First Consideration Ordinance Special Use Permit 4320 Hughes Rd; Communications Tower  
**Action:** Consensus (pg. 74)
16. First Consideration Ordinance Coronavirus Relief Fund  
**Action:** Consensus (pg. 95)
17. First Consideration Ordinance Special Assessment of Unpaid 2018 Stormwater Fees  
**Action:** Consensus (pg. 100)
18. First Consideration Ordinance Special Assessment Demolition Fees  
**Action:** Consensus (pg. 105)
19. First Consideration Ordinance Special Assessment Nuisance Fees  
**Action:** Consensus (pg. 108)

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**Consent Agenda:**

Claims for July 11, 2020, through July 24, 2020, in the amount of \$498,738.87; Net amount for Payroll #15 effective July 17, 2020, in the amount of \$353,994.98 (Includes Police & Fire Pension in the amount of \$11, 839.36).

**Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *the Leavenworth Farmers Market, offers consumers farm-fresh, affordable, convenient, and healthy products such as fruits, vegetables, cheeses, herbs, flowers, baked goods, meat; and*
- WHEREAS,** *farmers markets serve as integral links among urban, suburban, and rural communities, affording farmers and consumers the opportunity to interact; and*
- WHEREAS,** *the popularity of farmers markets continues to rise as more and more consumers discover the joys of shopping for unique ingredients sold directly from the farm in their freshest possible state; and*
- WHEREAS,** *farmers markets play a key role in developing local and regional food systems that support the sustainability of family farms, revitalize communities, and provide opportunities for farmers and consumers to interact; and*
- WHEREAS,** *Leavenworth Farmers Market offers electronic benefits transfer technology for use by Supplemental Nutrition Assistance Program recipients in redeeming their benefits, offers opportunities for senior citizens participating in the Senior Farmers Market Nutrition Program to redeem their checks, and provides unsold produce to community free food programs; and*
- WHEREAS,** *The United States Department of Agriculture strongly supports and promotes the development, operation, and expansion of farmers markets and other direct-to-consumer marketing activities for agricultural producers providing them with marketing opportunities.*

**NOW, THEREFORE,** *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas, hereby recognize farmers markets and the contributions farmers make to daily life in America and give notice to our citizens that August 2-8, 2020 be proclaimed:*

## Leavenworth Farmers Market Week

*in the City of Leavenworth, and encourage citizens and visitors to celebrate the benefits of farmers markets and the bountiful production of our Nation's farmers with appropriate observances and activities.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-eighth of July in the year of two-thousand and twenty.*

\_\_\_\_\_  
Myron J. (Mike) Griswold, Mayor

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold and Commissioner Mark Preisinger. The following commission members attended via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard and Jermaine Wilson.

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Planning and Community Development Director Julie Hurley, Finance Director Ruby Maline and City Clerk Carla K. Williamson.

**Other members participating via teleconference:** City Attorney David E. Waters.

Mayor Griswold asked everyone to stand for the pledge of allegiance followed by silent meditation.

**Proclamation:**

**Parks & Recreation Month** - Mayor Griswold read the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Leonhard moved to approve the minutes from the June 23, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Second Consideration Ordinances:**

**Second Consideration Ordinance 8130 Special Use Permit 1373 Sherman Avenue** – City Clerk Carla Williamson presented ordinance 8130 for second consideration. The ordinance was presented at the June 23, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

**Second Consideration Ordinance 8131 Special Use Permit 625 Pawnee Street** – City Clerk Carla Williamson presented ordinance 8131 for second consideration. The ordinance was presented at the June 23, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

**Second Consideration Ordinance 8132 Development Regulations Text Amendment Changes** – City Clerk Carla Williamson presented ordinance 8132 for second consideration. The ordinance was presented at the



June 23, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

## **NEW BUSINESS:**

### **Public Comment:**

Joseph Smith 513 Elizabeth Street

- Discuss the problem with cats in his neighborhood
- Provided example of ordinance from the City of Lansing
- Cannot use his deck because of the cats living under the deck and the smells
- Has been a problem since new neighbors moved in last fall and let their cats run
- Leavenworth does not have an ordinance to address problems with cats

There was a consensus by the Commission to bring this topic to a future study session.

### **Public Hearing:**

#### **Public Hearing for Unsafe and Dangerous Structures**

- **Open Public Hearing:**

Commissioner Bauder moved to open the public hearing. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

- **Staff and Public Comments:**

**109 Allen**— Single family house. No change, no contact from owner.

Wendy Arsonal with Frontier Community Credit Union, 690 Eisenhower Rd

- The credit union has reviewed the property and they are in favor of demolition

Consensus by the Commission to proceed with demolition

**407 N. 20th** – Single-family house. Owner has been in contact with staff, no work completed to date.

Sally Cook property owner 407 N 20<sup>th</sup>

- Has been ill and has been taking care of her son who is also ill
- Has been trying to get help to clean up the property or to find a buyer
- Ms. Cook asked how much it would cost her to have the City demolish the property
- Commissioner Preisinger and Ms. Hurley estimated \$7500 but then there are also additional costs and administrative fees. Ms. Hurley stated that it is sometimes cheaper for the owner to find a company on their own.

Consensus by the Commission to grant a 60-day extension

**1033 Osage** – Detached garage. No change, no contact from owner.

Rebecca Smith 1033 Osage (wife of the owner)

- They are talking about fixing the garage
- Have tried to call code enforcement since April and there have been no answers
- Needs 60-90 days to complete the repairs

Consensus by the Commission to grant a 60-day extension

**1186 Randolph** – Detached shed. The Shed has been demolished by owner.

Removed from the demolition list.

**519 Marshall** – Single-family house. Property changed ownership. New owner has been in contact with staff regarding required repairs. Work is ongoing. Property is located in the Third Avenue Historic District, and proposed demolition required review by the Leavenworth Preservation Commission (LPC). The LPC reviewed the property at their June 3, 2020 meeting and voted unanimously that demolition would “damage or destroy” the historically significant structure, thereby making it ineligible for demolition.

Removed from the demolition list.

**1612 W. 7th** – Single family house. Owner has obtained a permit for demolition but it has not been demolished yet. Staff recommends giving 60-day extension for the owners to complete the demolition on their own.

Consensus by the Commission to grant a 60-day extension

**1914 W. 7th** – Single family house. No change, no contact from owner.

Trisha Alton Lansing KS, local investor/realtor

- Property is under contract to purchase, rehab and flip

Consensus by the Commission to grant a 60-day extension

**420 Ottawa** – Single family house. No change, no contact from owner.

Trisha Alton Lansing KS, local investor/realtor

- Property is under contract to purchase, rehab and flip

Consensus by the Commission to grant a 60-day extension

**708 Kiowa** – Single-family house. No change, no contact from owner.

Trisha Alton Lansing KS, local investor/realtor

- Property is under contract to purchase, rehab and flip

Consensus by the Commission to grant a 60-day extension

**306 N. 3rd** – Single-family house. No change. Owner indicated to staff on 6/25/20 that she was unaware the property had been identified for potential demolition.

Consensus by the Commission to proceed with demolition

**504 Miami** – Single-family house. Property changed ownership on 5/8/20. New owner has been in frequent contact with staff and has indicated their intent to restore the property. Active building permits for interior and exterior renovations.

Ramon Muhammad, Lawrence KS current owner

- Plans to rehab and sell

Consensus by the Commission to grant a 60-day extension

**513 Lawrence Ave** – Single-family house. Property changed ownership after initial notification and prior to 7/7/20. No contact from new owner. Active building permits for interior and exterior renovations. Owner not present but since there are active permits staff recommends 60-day extension.

Consensus by the Commission to grant a 60-day extension

**515 N. 5th** – Multi-dwelling unit. Owner has been in contact with staff regarding required repairs. Owner initially declined to sign a Remediation Agreement. They were informed that permits for work would not be issued unless they specifically addressed the items on the Remediation Agreement. Per subsequent discussions with the owner, a revised Remediation Agreement was sent on 7/7/20. As of the writing of the policy report, no permits have been obtained and no work has been completed. Commissioner Preisinger stated that the city has had dealings with this property owner for more than 10 years and has a history of being played by the owner. Based on the dangerous state of the structure commissioner in favor of demolishing.

Consensus by the Commission to proceed with demolition

**525 Pawnee** – Single family house and shed. Owner has been in contact with staff and has indicated that they have no objections to the structure being demolished.

Richard Jeffries owner

- Stated he has owned property since March 1994 and has been burglarized multiple times. In favor of the city demolishing the property.

Consensus by the Commission to proceed with demolition

**701 S. 2nd** – Single-family house. Owner has been in contact with staff and indicated that he intends to complete necessary repairs. Work has been ongoing.

Calvin Lockett Property owner

- Stated that repairs are ongoing.

Consensus by the Commission to grant a 60-day extension

**714 Kiowa** – Single-family house. No change, no contact from owner. Structure has sustained fire damage.

Consensus by the Commission to proceed with demolition

**718 Dakota** – Single-family house and detached garage. Staff has received inquiries from a party who has indicated that they are interested in purchasing property. No change in ownership and no work done.

Consensus by the Commission to proceed with demolition

**824 Osage** – Single-family house and detached garage. Owner has been in contact with staff, active building permit for roof.

Darlene and Herbert Derringer, 112 East Kay Lansing, owners

- Property has been in family for years it is run down but they are fixing it up
- Working on rafters before replacing the roof
- Will see a difference after 60 days

Consensus by the Commission to grant a 60-day extension

**836 Pottawatomie** – Single-family house. Owner has been in contact with staff and has active building permits for work including a roof and front porch. Significant progress has been made; staff recommends removal from demolition list.

Frances Hays 1719 Shawnee Street owner

- Stated that she has windows that are still to be installed along with the work already completed

Removed from the demolition list

**934 Ottawa** – Single-family house. No change, no contact from owner.

Moricj Merer Las Vegas NV family member of the owner was present and stated that he can have the house painted and needed 60-days

City Manager Kramer stated that the City has no proof that the people present have authority to speak on behalf of the property owner and we would need some legal documents stating as such.

Justina Budd addressed the commission and stated that she has authority but does not have a notarized document stating such. Owner lives in Las Vegas and she lives here in Leavenworth and is the property manager for the property.

City Attorney weighed in: A power of attorney is appropriate for proof that the people speaking on behalf of the owner are acting on the authority of the owner.

City Manager Kramer wanted to make sure everyone is aware that there is more needed than paint to bring the property into compliance.

There was a consensus by the commission that the property owner will have 2 weeks to get a power of attorney or other legal documents authorizing others to act on his behalf. If the documentation is not provided in 2 weeks, the property will be set for demolition. If the proper documents are provided the property will be on the same schedule of review as the properties given 60-day extensions.

**719 N. 9th** – Detached garage. Owner is deceased. The daughter of the owner has been in contact with staff. No change. Daughter is trying to get the property transfer to her name so she can demolish the structure. There is a hearing on July 24 to have the property transferred.

There was a consensus by the commission to give the daughter 2 weeks to get the property changed over to the daughter. If the documentation is not provided in 2 weeks, the property will be set for demolition. If the proper documents are provided the property will be on the same schedule of review as the properties given 60-day extensions.

- **Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

- **Consider Resolution B-2257 Demolish or Repair Structures**

Commissioner Preisinger moved to adopt Resolution B-2257 to demolish structures as discussed and agreed to by the commission and as annotated by the City Clerk. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

### **General Items:**

#### **Mayor's Appointments:**

Mayor Griswold moved to appoint to the City Planning Commission Shannon Wayne Williams to an unexpired term ending May 1, 2023; appoint to the Community Development Advisory Board Ellen Bogdan to an unexpired term ending August 31, 2022; and to appoint to the Convention and Tourism Committee Lisa Weakley to an unexpired term ending January 31, 2021. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

#### **First Consideration Ordinances:**

**First Consideration Ordinance Amending Sec. 44-87** - Police Chief Pat Kitchens presented for a consensus to place on first consideration an ordinance to amend Sec. 44-87 No Parking Anytime. On June 3, 2020 the City Manager's Office received a formal request from the Leavenworth Board of County Commissioners requesting a change to parking at the County Courthouse. Due to safety concerns, they are requesting no parking on 4<sup>th</sup> Street between Walnut Street and Custer Street. The matter was reviewed by the City of Leavenworth's Traffic Safety Committee and was approved.

There was a consensus to place on first consideration.

**First Consideration Ordinance to Rescind Special Use Permit – 1922 5<sup>th</sup> Avenue** – Planning and Community Development Director Julie Hurley presented for a consensus to place on first consideration

an ordinance to rescind the special use permit allowing a Child Care Center at 1922 5<sup>th</sup> Avenue. The Special Use Permit allowing a Child Care Center at 1922 5<sup>th</sup> Avenue was approved on April 10, 2018 by passage of Ordinance 8073. On June 15, 2020, the property sustained damaged from a structure fire. The property owner is requesting the special use permit be rescinded since she is no longer operating Savanna Smile Daycare at that location.

There was a consensus to place on first consideration.

**CONSENT AGENDA:**

Commissioner Leonhard moved to approve claims for June 20, 2020, through July 10, 2020, in the amount of \$1,821,823.59; Net amount for Payroll #14 effective July 3, 2020, in the amount of \$369,168.65 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Other:**

**Commissioner Bauder:**

- Discussed the Governor's order requiring facemasks
- The County opted out of the requirement and asked if the rest of the commission might consider a city requirement

There was a consensus by the Commission to place this on next week's study session to discuss further.

**Adjournment:**

Commissioner Preisinger moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:56 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8133  
AMENDING SEC. 44-87 NO PARKING ANYTIME  
ELIMINATING PARKING ON 4<sup>TH</sup> STREET BETWEEN WALNUT STREET AND CUSTER STREET**

**JULY 28, 2020**



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the July 14, 2020 City Commission special meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 44 TRAFFIC AND VEHICLES, SECTION 44-87 NO PARKING ANYTIME RELATED TO REMOVING THE EXCEPTION TO ALLOW PARKING ON THE EAST SIDE OF FOURTH STREET FROM THE NORTH SIDE OF WALNUT STREET TO THE SOUTH SIDE OF CUSTER STREET. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.**

There have been no other changes since first consideration.

Ordinance No. 8133 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8133

*(Summary Publish in the Leavenworth Times on July 31, 2020)*

**ORDINANCE NO. 8133**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 44 TRAFFIC AND VEHICLES, SECTION 44-87 NO PARKING ANYTIME RELATED TO REMOVING THE EXCEPTION TO ALLOW PARKING ON THE EAST SIDE OF FOURTH STREET FROM THE NORTH SIDE OF WALNUT STREET TO THE SOUTH SIDE OF CUSTER STREET. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 44 Traffic and Vehicles, Section 44-87 No parking any time, is hereby deleted in its entirety and amended to read as follows:

**Sec. 44-87. No parking any time.**

The parking of automobiles, motor trucks, carriages, wagons and any and all other vehicles is prohibited on the following streets at any time:

- 1) Second Avenue, west side, lying east of block E, Fackler's Addition to the city, from the north side of Linn Street to the south side of Elm Street.
- 2) Second Avenue (originally platted as Sixth Street), west side, from the intersection with Linn to the intersection with Elm.
- 3) Fourth Street, both sides, from the north side of Eisenhower Road to the south side of Metropolitan.
- 4) Fifth Avenue, east side, from a point 70 feet south of the south curblineline of Marshall Street to a point 70 feet north of the north curblineline of Marshall Street.
- 5) Fifth Avenue, east side, from the south side of Olive Street to the north side of Spruce Street.
- 6) Fifth Avenue, west side, from a point 70 feet north of the north curblineline of Marshall Street to a point 97 feet south of the south curblineline of Marshall Street.
- 7) Fifth Street, approximately eight feet adjacent to the entrance area at the dog and cat clinic located at 1101 North Fifth Street.
- 8) Sixth Avenue, west side, from James to Prospect.
- 9) Seventh Street, east side, from the south side of Walnut Street to the north side of Olive Street.
- 10) Seventh Street North, both sides, from the north side of Cheyenne Street to the south side of Metropolitan Avenue.



- 11) Seventh Street, west side, from the intersection of Spruce Street to the intersection of Olive.
- 12) Seventh Street West, west side, from the intersection of Seventh and Short to the intersection of West Seventh Street and Oak.
- 13) Seventh Street, from the north curblineline to Marshall Street, to a point 30 feet north on West Seventh Street.
- 14) Tenth Avenue, east side, from Pennsylvania to Metropolitan Street.
- 15) Tenth Avenue, both sides, from Pennsylvania to Eisenhower Street.
- 16) Tenth Street, east side, from Pennsylvania to Metropolitan Street.
- 17) 14th Street, on either side, between New Lawrence Road and a point 150 feet south of Independence Court.
- 18) 14th Street, west side, from the south side of Metropolitan Street to the north side of Cheyenne Street.
- 19) 15th Street, south, west side, from the south side of Vilas Street to the north side of Limit Street.
- 20) 20th Street, both sides, from the north side of Spruce Street to the south side of Metropolitan.
- 21) 20th Street Trafficway, both sides, north of Eisenhower to its terminus.
- 22) 21<sup>st</sup> Street, west side from Choctaw Street to Shawnee Street.
- 23) Columbia, west side, from Charles Street for a distance of 77 feet.
- 24) Commercial Street, south side, from Fourth Street to Commercial Place.
- 25) Dakota Street, north side, from the intersection of 18th Street to the city limits.
- 26) Dakota Street, both sides, from the intersection of Cheyenne curve east to the railroad tracks.
- 27) Evergreen Street, from the west side of Fourth Street right-of-way line to the west line extended of lot 5, Thompson's Subdivision.
- 28) Frontage Street, from St. Mary's Street to Ash Street.
- 29) Limit Street, both sides, from Grand Avenue to Fourth Street.
- 30) Limit Street, both sides, from 14th to 15th Streets.
- 31) Limit Street, both sides, from 22nd Street to 16th Street.
- 32) Limit Street, south side, from 4th Street to Wilson Avenue.
- 33) Marion Street, both sides, from Fourth Street to Wilson Avenue.
- 34) New Lawrence Road, west side, from Wildwood to Gatewood.
- 35) Ohio Street, south side, from Grand Street to Klemp Street.
- 36) Oregon Street, from east of South Fourth Street.
- 37) Ottawa Street, south side, from 20th Street to 22nd Street.

- 38) Ottawa Street, north side, from 20th Street to the entrance of the parking lot at Sports Field.
- 39) Pennsylvania Street, north side, from the west side of Fifth Avenue to the east side of Broadway.
- 40) Seneca Street, south side, from Broadway and Third Street, except where authorized by posted signs.
- 41) Seneca Street, on the south side of Seneca Street between Second Street and Third Street.
- 42) Shawnee Street, south side, from Broadway west to 10th Street.
- 43) Shrine Park Road, both sides, from the north side of Eisenhower Road to the south side of Limit Street.
- 44) Spruce Street, both sides, from the west side of 15th Street to the city limits.
- 45) Spruce Street, both sides, from the west side of Third Street to the east side of Fourth Street.
- 46) Spruce Street, south side, from the west side of Fourth Street to the east side of 15th Street, with the exception that no parking shall be allowed from the east corner of lot 29, block 35, Central Subdivision, to the east side of Newman Street.
- 47) State Street and Evergreen Street, both sides, from the west side of the Fourth Street right-of-way line to Evergreen Street and western Evergreen Street to the west line of lot 5, Thompson's Subdivision.
- 48) Terrace Road, east side, between High Street and Sherman Avenue.
- 49) Vilas Street, both sides, from 22nd Street to 16th Street.
- 50) Wilson Avenue, on both sides of the street from St. Mary's Street to a point 100 feet north.

**Section 2. REPEAL.** Chapter 44 Traffic and Vehicles, Section 44-87 No parking any time of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 4: EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this 28th day of July 2020.

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Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

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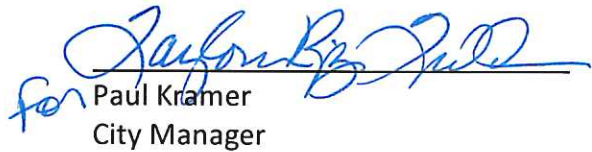
Carla K. Williamson, CMC, City Clerk

POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8134  
RESCINDING THE SPECIAL USE PERMIT ALLOWING A CHILD CARE CENTER  
AT 1922 5<sup>TH</sup> AVENUE

JULY 28, 2020



Carla K. Williamson, CMC  
City Clerk

  
for Paul Kramer  
City Manager

**BACKGROUND:**

At the July 14, 2020 City Commission special meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT ALLOWING A  
CHILD CARE CENTER AT 1922 5th AVENUE, LEAVENWORTH KANSAS.**

There have been no other changes since first consideration.

Ordinance No. 8134 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8134

(Summary Published in the Leavenworth Times on July 31, 2020)

**ORDINANCE NO. 8134**

**AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT ALLOWING A CHILD CARE CENTER AT 1922 5<sup>th</sup> AVENUE, LEAVENWORTH KANSAS.**

**WHEREAS**, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations, Section 2.04 C, the Governing Body of the City of Leavenworth is given the power to administratively discontinue or rescind a special use permit; and

**WHEREAS**, property owners approved for a special use permit my request that such special use permit be rescinded.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH:**

**Section 1.** That the following special use permit is hereby rescinded by request of the property owner:

<b>Name</b>	<b>Location</b>	<b>Use</b>	<b>Original Special Use Ordinance to Rescind</b>	<b>Date Approved</b>
Savannah Nelson	1922 5 <sup>th</sup> Avenue	Child Care Center	8073	04/10/2018

**Section 2.** This Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

**PASSED AND APPROVED** by the City Commission of the City of Leavenworth, Kansas, on this 28th day of July, 2020.

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, City Clerk


**POLICY REPORT  
PUBLIC HEARING  
CONSIDERING ESTABLISHING A REDEVELOPMENT DISTRICT  
WITHIN THE CITY OF LEAVENWORTH  
PRICE CHOPPER REDEVELOPMENT**

**JULY 28, 2020**

Prepared By:

  
Carla K. Williamson, CMC, City Clerk

Reviewed By:

  
Paul Kramer, City Manager

**ISSUE:**

To hold a public hearing for facts and findings and to receive public comment on the creation of the proposed Redevelopment District. After the conclusion of the hearing, consider the findings necessary for establishment of the Redevelopment District and place on first consideration an ordinance establishing the Redevelopment District.

**HISTORY/BACKGROUND:**

The primary purpose for creating the redevelopment district is to promote, stimulate and develop the general economic welfare of the City and the State of Kansas and to assist in the development and redevelopment of eligible areas with the City. Pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues. An "eligible area," as defined in the Act, includes a "blighted area".

Based on Section 1 of the attached Ordinance the following findings are to be considered and determined by the City Commission.

- (a) That the notice of the public hearing was conducted on this date and made in accordance with the Act.

**FACTS:**

- On June 23, 2020 the City Commission adopted Resolution B-2256 setting the public hearing for July 28, 2020.
- On July 1, 2020 Notices and a copy of Resolution B-2256 were mailed via certified mail to owner and occupant of the land within the Redevelopment District, the Leavenworth Board of County Commissioners and the Board of Education USD 453.
- On July 16, 2020 Resolution B-2256 was published in the Leavenworth Times.

**FACTS/FINDINGS: Copy of Blight Analysis prepared by Development Initiatives dated July 18, 2020**

- (b) Based on the Report and additional testimony received at the public hearing, the City Commission finds that the subject property contains the presence of the following factors, which substantially impair or arrest the development and growth of the City or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:
- (i) a substantial number of deteriorated or deteriorating structures;
  - (ii) deterioration of site improvements;
  - (iii) improper subdivision or obsolete platting or land uses;
  - (iv) the existence of conditions which endanger life or property by fire or other causes; and

City of Leavenworth, Kansas

(v) conditions which create economic obsolescence.

- (c) Based on the Report and additional testimony received at the public hearing, the City Commission further finds that the subject property has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation, or other similar state or federal action;
- (d) The proposed redevelopment district described in Resolution No. B-2256 constitutes a "blighted area" and is therefore an "eligible area" (as said terms are defined in the Act); and
- (e) The conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

**ACTION REQUIRED:**

Consensus to place on first consideration to create a redevelopment project plan, as presented.

**ATTACHMENTS:**

- Draft Ordinance

**ADDITIONAL DOCUMENTS PROVIDED WITH ONLINE AGENDA PACKET ( [www.leavenworthks.org](http://www.leavenworthks.org) )**

- Blight Analysis prepared by Development Initiatives dated July 18, 2020



(Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (PRICE CHOPPER PROJECT).**

**WHEREAS**, the City of Leavenworth, Kansas (the "City"). desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto;

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues;

**WHEREAS**, an "eligible area," as defined in the Act, includes a "blighted area," as defined in the Act;

**WHEREAS**, prior to the creation of any redevelopment district the governing body of the City must adopt a resolution stating that the City is considering the establishing of a redevelopment district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than thirty (30) days, nor more than seventy (70) days, following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district, (3) describe a proposed redevelopment district plan, (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of a redevelopment district;

**WHEREAS**, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail return, receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district not more than ten (10) days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one (1) week or more than two (2) weeks preceding the date fixed for the public hearing, which publication shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment district area;

**WHEREAS**, upon the conclusion of such public hearing, the governing body may pass an

ordinance which shall: (1) make findings that the redevelopment district proposed to be redeveloped is in an "eligible area," as defined in the Act, and that the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the city (2) contain the redevelopment district plan as approved, (3) contain the legal description of the redevelopment district, and (4) may establish the redevelopment district, provided that the boundaries of the redevelopment district shall not include any area not designated in the notice of public hearing on the creation of the redevelopment district;

**WHEREAS**, no privately-owned property subject to ad valorem taxes shall be acquired and/or redeveloped under the provisions of the Act, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within thirty (30) days following the conclusion of the hearing for the establishment of the redevelopment district that the proposed redevelopment district will have an adverse effect on such county or school district;

**WHEREAS**, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission;

**WHEREAS**, the City Commission has heretofore adopted Resolution No. B-2256, which made a finding that the City is considering the establishment of a redevelopment district pursuant to the Act, set forth the boundaries of the proposed redevelopment district, provided a summary of the proposed redevelopment district plan, called a public hearing concerning the establishment of a redevelopment district for July 28, 2020, and provided for notice of such public hearing as provided in the Act;

**WHEREAS**, a public hearing was held on July 28, 2020, after duly published, delivered and mailed notice in accordance with the provisions of the Act;

**WHEREAS**, at the public hearing the governing body received a report (the "Report") from Development Initiatives, a consultant engaged by the owner/developer of the subject property, about the condition of the area within the proposed redevelopment district, including that the property constitutes a "blighted area" as defined in the Act, and which Report provided factual evidence concerning the presence or absence within the proposed redevelopment district of a majority of the factors defining a "blighted area," as set forth in K.S.A. 12-1770a(c); and

**WHEREAS**, upon and considering the information and public comments received at the public hearing conducted this date, the City Commission hereby deems it advisable to make certain findings and to create the redevelopment district.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1. Findings.** The City Commission hereby finds and determines that:

(a) notice of the public hearing conducted this date was made in accordance with the provisions of the Act;

(b) based on the Report and additional testimony received at the public hearing, the City Commission finds that the subject property contains the presence of the following



factors, which substantially impair or arrest the development and growth of the City or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use: (i) a substantial number of deteriorated or deteriorating structures; (ii) deterioration of site improvements; (iii) improper subdivision or obsolete platting or land uses; (iv) the existence of conditions which endanger life or property by fire or other causes; and (v) conditions which create economic obsolescence;

(c) based on the Report and additional testimony received at the public hearing, the City Commission further finds that the subject property has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation, or other similar state or federal action;

(d) the proposed redevelopment district described in Resolution No. B-2256 constitutes a "blighted area" and is therefore an "eligible area" (as said terms are defined in the Act); and

(e) the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

**Section 2. Creation of Redevelopment District.** A redevelopment district is hereby created within the City in accordance with the provisions of the Act, which shall consist of the real estate legally described on Exhibit A attached hereto, which is incorporated herein by reference (the "Redevelopment District"). A map depicting the boundaries of the Redevelopment District is attached hereto as Exhibit B, which is incorporated herein by reference. The boundaries of the Redevelopment District do not contain any property not referenced in Resolution No. B-2256, which provided notice of the public hearing on the creation of the Redevelopment District.

**Section 3. Redevelopment District Plan.** The preliminary plan for the proposed Redevelopment District (the "District Plan"), as presented to the City Commission this date, is hereby approved. The buildings and facilities to be constructed or improved in the Redevelopment District may be described in a general manner as follows: The District Plan provides for the redevelopment of the existing Price Chopper grocery store within the Redevelopment District, within one project area, and associated infrastructure improvements and other improvements, including potential environmental improvements, and all related expenses to redevelop and finance the redevelopment project.

**Section 4. Approval of Other Governmental Units.** No privately owned property subject to ad valorem taxation within the Redevelopment District shall be acquired and redeveloped pursuant to the Act, if the Board of County Commissioners of Leavenworth County, Kansas, or the Board of Education of Unified School District No. 453 determines by resolution adopted within thirty (30) days following the public hearing held by the City on July 28, 2020, that the Redevelopment District will have an adverse effect on Leavenworth County or Unified School District No. 453, respectively. As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body Leavenworth County or Unified School District No. 453.

**Section 5. Further Action.** The Mayor, City Manager, City Clerk, City Attorney, and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 6. Effective Date.** Subject to the provisions of Section 4 above, this Ordinance shall be effective upon its passage by the City Commission of the City of Leavenworth, Kansas, and publication one time in the official City newspaper.

**PASSED** by the City Commission of the City of Leavenworth, Kansas on \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

**ATTEST:**

\_\_\_\_\_  
Carla K. Williamson CMC, City Clerk

{Seal}

**EXHIBIT A**

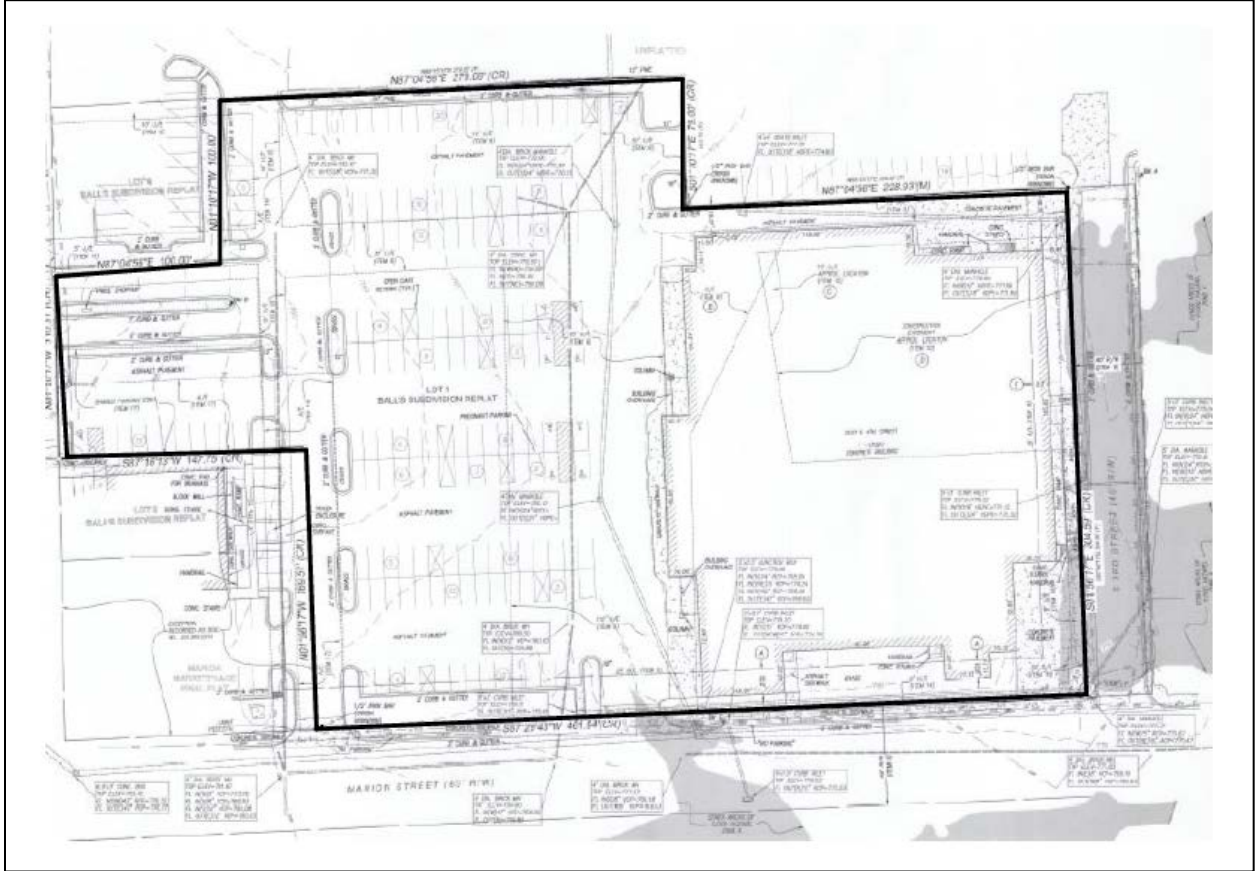
**DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT**

Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas except that part conveyed by the deed recorded as Doc. No. 2015R03578

Parcel ID No 1010104002003020

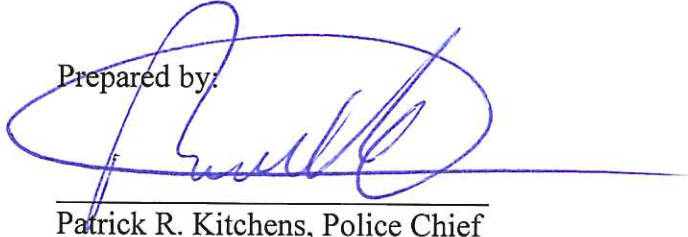
EXHIBIT B

MAP OF PROPOSED REDEVELOPMENT DISTRICT



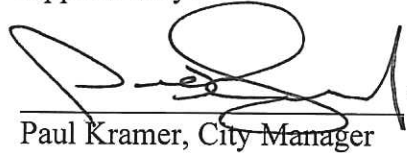
**Policy Report No. 7-2020**  
**2020 Edward Byrne Memorial Justice Assistance Grant Application**  
**July 28, 2020**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

**ISSUE:**

The Police Department is requesting authority to apply for the 2020 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,384.00

**STAFF RECOMMENDATION:**

Staff recommends approval.

**BACKGROUND:**

On July 9, 2020 the U.S. Department of Justice released the annual Edward Byrne Memorial Justice Assistance Grant local solicitation and identified the City of Leavenworth, Kansas as eligible for \$24,384.00. This is an annual grant made available to law enforcement agencies in the United States and we have experienced great success with these funds. Typically, we have used these funds to purchase police equipment.

This grant application requires the City of Leavenworth to share this allocation with Leavenworth County as they are categorized in the disparate grouping. The allocation is based upon a formula which provides the City of Leavenworth will receive \$14,384.00 and Leavenworth County will receive \$10,000.00. The City of Leavenworth must apply for this grant on behalf of both entities.

The Leavenworth County Sheriff's Office intends to use the funds to purchase law enforcement equipment.

**BUDGET IMPACT:**

No City of Leavenworth funds are necessary for this grant application.

**COMMISSION ACTION:**

Authorize the Police Department to apply for the 2020 Edward Byrne Memorial Justice Assistance Grant in the amount \$24,384.00 of which \$10,000.00 will be given to Leavenworth County Sheriff's Office. This action requires the City Manager and City Attorney to sign an Interlocal agreement with Leavenworth County.

Further, it requires the Mayor to sign an additional document entitled "Certifications and Assurances by the Chief Executive of the Applicant Government."



## 2020 KANSAS LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2020 JAG funding, as determined by the JAG formula. For a details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf> and current JAG Frequently Asked Questions here: <https://www.bja.gov/Funding/JAGFAQ.pdf>.

Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (\*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (a sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>). Disparate jurisdictions do not need to abide by individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining their share amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
KS	DOUGLAS COUNTY	County	*	
KS	LAWRENCE CITY	Municipal	\$26,949	\$26,949
KS	FINNEY COUNTY	County	*	
KS	GARDEN CITY	Municipal	\$12,509	\$12,509
KS	GEARY COUNTY	County	*	
KS	JUNCTION CITY	Municipal	\$11,788	\$11,788
KS	HARVEY COUNTY	County	*	
KS	NEWTON CITY	Municipal	\$10,376	\$10,376
KS	JOHNSON COUNTY	County	*	
KS	OLATHE CITY	Municipal	\$22,539	
KS	OVERLAND PARK CITY	Municipal	\$35,019	
KS	SHAWNEE CITY	Municipal	\$12,163	\$65,721
KS	LEAVENWORTH COUNTY	County	*	
KS	LEAVENWORTH CITY	Municipal	\$24,384	\$24,384
KS	RENO COUNTY	County	*	
KS	HUTCHINSON CITY	Municipal	\$17,322	\$17,322
KS	SALINE COUNTY	County	*	
KS	SALINA CITY	Municipal	\$18,475	\$18,475
KS	SEDGWICK COUNTY	County	*	
KS	WICHITA CITY	Municipal	\$370,543	\$370,543

## Patrick Kitchens

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**From:** Dedeke, Andrew <adedeke@leavenworthcounty.gov>  
**Sent:** Monday, July 13, 2020 5:18 PM  
**To:** Patrick Kitchens  
**Cc:** Dan Nicodemus; Sherley, James  
**Subject:** RE: 2020 Kansas Byrne Grant

I am in agreement. Thank you.

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**From:** Patrick Kitchens <pkitchens@firstcity.org>  
**Sent:** Friday, July 10, 2020 7:03 AM  
**To:** Dedeke, Andrew <adedeke@leavenworthcounty.gov>  
**Cc:** Dan Nicodemus <dnicodemus@firstcity.org>  
**Subject:** 2020 Kansas Byrne Grant

*Notice:* This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Sheriff Dedeke,

We received notice yesterday of the annual allocation from the Byrne Grant in the amount of \$24,384. Pursuant to our standard formula I would propose the Leavenworth County Sheriff's Office receive \$10,000 and the Leavenworth Police Department will receive \$14,384. If you approve we will present to the Leavenworth City Commission on July 28, 2020. The deadline to submit is August 19, 2020.

Thanks  
Chief Kitchens

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**POLICY REPORT**  
**RESOLUTION B-2258 NOTICE OF PUBLIC HEARING**  
**CREATION OF A COMMUNITY IMPROVEMENT DISTRICT**  
**LUXURY AND IMPORTS 5239 S. 4<sup>th</sup> STREET**

July 28, 2020

Prepared By:

  
Carla K. Williamson, CMC, City Clerk

Reviewed By:

  
Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to consider a resolution to set a public hearing on Tuesday August 25, 2020 for the creation of a Community Improvement District (CID) within the City and declaring the intent of the City to levy a CID sales tax pursuant to K.S.A. 12-6a26 *et seq.*

**BACKGROUND:**

- On May 1, 2020 a petition signed by Ted A. Rea, Rea Holdings, LLC, was filed with the City Clerk proposing the creation of a Community Improvement District.
- The Improvement District is generally located at 5239 S 4<sup>th</sup> Street (the northeast corner of S 4th Street and Eisenhower Road).
- The petition requests that the City levy a CID sales tax with the Improvement District. The CID sales tax would be imposed on the selling of tangible personal property at retail or rendering or furnishing services within the CID at .45% for a period of no more than 22 years.
- The petition proposed method is a CID pay-as-you-go financing to pay for or reimburse costs of the project.
- The resolution will be published once each week for two consecutive.
- Copies of the resolution will be mailed by United States certified mail return receipt requested at least 10 days prior to August 25, 2020 to each owner of land with the proposed Community Improvement District.
- At the public hearing on August 25, 2020, the Agreement will be presented to the City Commission and all interested persons shall be given the opportunity to be heard.
- As a result of the COVID-19 pandemic, such public hearing may not be held at the same date and time, and access instruction for remote participation shall be available at the City's website [www.leavenworthks.org](http://www.leavenworthks.org).
- Following the public hearing, the City Commission may approve the CID by Ordinance (first reading). Second Consideration (second reading) will follow at the next regular City Commission meeting to adopt by majority vote the ordinance.

**ACTION REQUIRED:**

Adopt Resolution B-2258 to set the public hearing for August 25, 2020.

**ATTACHMENTS:**

- Resolution B-2258
- Application for Community Improvement District submitted by Ted A. Rea

**RESOLUTION NO. 2258**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (LUXURY AND IMPORTS PROJECT).**

**WHEREAS**, pursuant to the provisions of the Community Improvement District Act, Sections 2 through 12, K.S.A. 2008 Supp. 74-50,115 *et seq.*, as amended (the "Act"), cities are authorized to establish community improvement districts, to authorize the performance of community improvement district projects, and to authorize the financing such projects from the imposition of community improvement district sales taxes to be levied on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed community improvement district in accordance with the Act; and

**WHEREAS**, in order to promote, stimulate and develop the general and economic welfare of the City of Leavenworth, Kansas (the "City"), the governing body of the City has determined to consider a petition (the "Petition") for the establishment of a community improvement district in the City in accordance with the Act, which Petition has been filed with the City by the owners of at least 55% of the land area within the proposed community improvement district, and by owners owning more than 55% of the assessed value within the proposed community improvement district, such sole owner being Rea Holdings, LLC, a Kansas limited liability company ("Developer"), the City and Developer, or Developer's agent, Ted A. Rea, Inc., d/b/a Luxury & Imports, being parties to that certain Public Incentives Predevelopment Agreement dated as of May 28, 2020; and

**WHEREAS**, the City desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to create a community improvement district within the City and approve the project and method of financing the project as requested in the Petition pursuant to the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1. Petition.** The City is considering a Petition for the establishment of a community improvement district pursuant to the Act, a copy of which Petition is on file with the City Clerk.

**Section 2. Proposed Community Improvement District.** A legal description of the proposed community improvement district is attached hereto as **Exhibit A**, and a map depicting the boundaries of the proposed community improvement district is attached hereto as **Exhibit B**.

**Section 3. Proposed Community Improvement District Project.** The proposed project to be performed within the community improvement district (the "Project") is described in the Petition and in attached **Exhibit C**, attached hereto and incorporated herein by this reference. The total estimated cost of the Project is \$619,945.58.

**Section 4. Proposed Method of Financing.** The proposed method of financing the Nottingham Project is by reimbursement of costs on a "pay-as-you-go" basis, without bonds or special assessments, from money received by the City from the imposition of a **0.45%** community improvement district sales tax ("CID Sales Tax") to be levied by the City in accordance with the Act on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed district. As required by the Act, the CID Sales Tax shall expire not more than twenty-two (22) years from

the date the state director of taxation begins collecting such tax or when the pay-as-you-go costs of the Luxury and Imports Project have been paid.

**Section 5. Public Hearing.** Notice is hereby given that a public hearing will be held by the City Commission to consider the approval of the Petition, the establishment of the community improvement district, the approval of the project, the approval of the proposed method of financing and the imposition of the CID Sales Tax, on **August 25, 2020**, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66205, the public hearing to commence at 7:00 p.m. or as soon thereafter as the City Commission can hear the matter; provided, that if, as a result of the COVID-19 pandemic, such public hearing may not be held in person but rather via remote meeting, such remote meeting shall be held at the same date and time, and access instructions for remote participation shall be available at the City's website, [www.leavenworthks.org](http://www.leavenworthks.org), and included with the published agenda for such meeting. At the public hearing, the City Commission will receive public comment on the foregoing matters.

**Section 6. Notice of Public Hearing.** The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

- (a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, at least ten (10) days prior to August 25, 2020, to each owner of land within the proposed community improvement district.
- (b) This resolution, specifically including Exhibits A, B and C attached hereto, shall be published in the *Leavenworth Times* twice, by no later than August 11, 2020, and then again by no later than August 18, 2020.

**Section 7. Further Action.** The Mayor, City Manager, Finance Director, City Clerk and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

**Section 8. Effective Date.** This resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

**ADOPTED** this 28th day of July, 2020.

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Myron J. "Mike" Griswold, Mayor

**ATTEST:**

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Carla K. Williamson CMC, City Clerk

{Seal}

**EXHIBIT A**

[Legal Description of the District]

**NEW TRACT 1**

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE 6TH P.M. IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

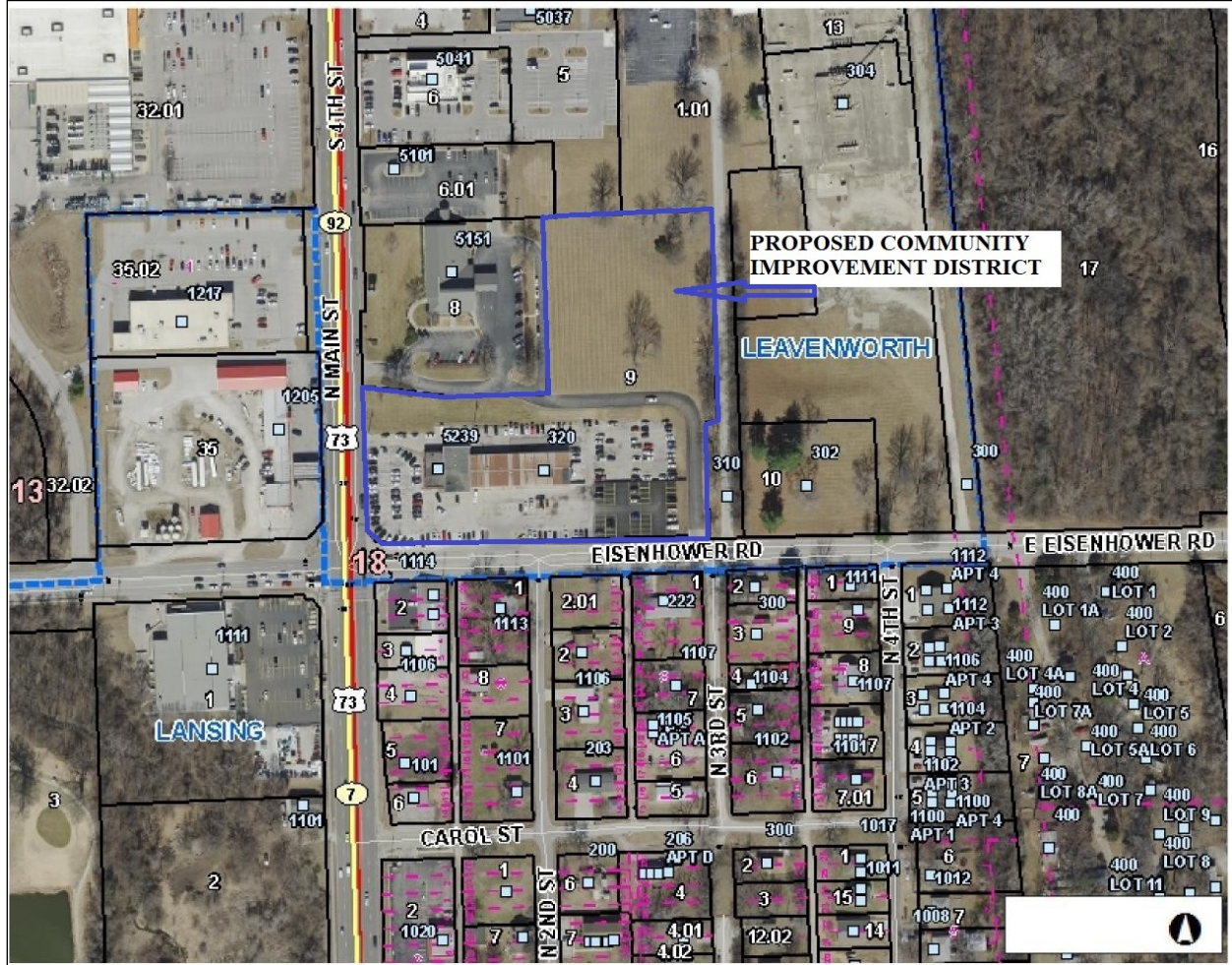
COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N88°29'59"E, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 33.00 FEET; THENCE N01°34'51"W, A DISTANCE OF 67.91 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF EISENHOWER ROAD AS IT NOW EXISTS AND SAID RIGHT OF WAY OF K-7, ALSO KNOWN TO BE THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE N01°34'51"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 249.66 FEET; THENCE S83°32'31"E, A DISTANCE OF 151.68 FEET; THENCE N88°55'48"E, A DISTANCE OF 171.43 FEET; THENCE N01°28'13"W, A DISTANCE OF 306.48 FEET; THENCE N87°30'02"E, A DISTANCE OF 292.70 FEET; THENCE S01°16'11"E, A DISTANCE OF 368.27 FEET; THENCE S88°29'59"W, A DISTANCE OF 18.76 FEET; THENCE S01°36'40"E, A DISTANCE OF 201.99 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID EISENHOWER ROAD; THENCE S88°29'59"W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 38.61 FEET; THENCE N01°36'40"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET; THENCE S88°29'51"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 526.88 FEET; THENCE N01°34'51"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 5.81 FEET; THENCE S88°29'51"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 12.84 FEET; THENCE N39°17'13"W, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 25.96 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.60 ACRES MORE OR LESS



**EXHIBIT B**

[Map of the District]



## EXHIBIT C

[Description of the Project]

Project: Luxury & Imports Parking Lot 10-1-2019  
 Location: 66048  
 Owner: Ted Rea  
 Bid Date & Time:  
 Estimated Value:  
 Completion Time: Liquidated Damages:  
 Bond Percentage:



### Certified WBE & HUB Zone

#	Description	Quantity	Unit	Bid Unit Price	Total
<b>1</b>	<b>PHASE 1</b>				
2	EARTHWORK/REMOVALS	1881	SY	\$9.75	\$18,339.75
3	6" CONCRETE PAVING ATOP 4" ROCK BASE	1881	SY	\$65.50	\$123,205.50
4	EROSION CONTROL & SEEDING	1	LS	\$2,200.00	\$2,200.00
	PHASE 1 SUBTOTAL				\$143,745.25
	TAX				\$13,655.80
	<b>TOTAL</b>				<b>\$157,401.05</b>
<b>5</b>	<b>LIGHT POLES</b>	1	LS	\$19,564.00	\$19,564.00
<b>26</b>	<b>STORM DRAINING</b>	1	LS	\$21,726.00	\$21,726.00
	<b>SUBTOTAL</b>				\$41,290.00
	TAX				\$4,129.00
	<b>TOTAL</b>				<b>\$45,419.00</b>
<b>6</b>	<b>PHASE 2</b>				
7	EARTHWORK/REMOVALS	1729	SY	\$7.50	\$12,967.50
8	6" CONCRETE PAVING ATOP 4" ROCK BASE	1729	SY	\$65.00	\$112,385.00
9	EROSION CONTROL & SEEDING	1	LS	\$2,000.00	\$2,000.00
	PHASE 2 SUBTOTAL				\$127,352.50
	TAX				\$12,098.49
	<b>TOTAL</b>				<b>\$139,450.99</b>
<b>11</b>	<b>PHASE 3</b>				
12	EARTHWORK/REMOVALS	1307	SY	\$15.00	\$19,605.00
13	CONCRETE	1307	SY	\$65.00	\$84,955.00
14	CURB	598	LF	\$30.00	\$17,940.00
15	RETAINING WALL OPTIONAL	800	SF	\$25.00	\$20,000.00
16	EROSION CONTROL	1	LS	\$1,560.00	\$1,560.00
	PHASE 3 SUBTOTAL				\$144,060.00
	TAX				\$13,685.70
	<b>TOTAL</b>				<b>\$157,745.70</b>
<b>18</b>	<b>PHASE 4</b>				
19	EARTHWORK/REMOVALS	3617	SY	\$4.50	\$16,276.50


20	CONCRETE	1729	SY	\$65.00	\$112,385.00
21	EROSION CONTROL	1	LS	\$2,500.00	\$2,500.00
	PHASE 4 SUBTOTAL				\$131,161.50
	TAX				\$12,460.34
	<b>TOTAL</b>				<b>\$143,621.84</b>
	<b>GRAND TOTAL</b>				<b>\$619,945.58</b>

**POLICY REPORT NO. P&R 4-20  
Parks & Recreation Department  
Leavenworth Soccer Association  
Fee Adjustment for 2020  
July 28, 2020**

**PREPARED BY:**

  
Steve Grant  
Parks and Recreation Director

**REVIEWED BY:**

  
Paul Kramer  
City Manager

**ISSUE:**

Consider an adjustment to the fee owed to the City by the Leavenworth Soccer Association for rental of the soccer game and practice fields located at 10<sup>th</sup> Ave Park.

**BACKGROUND:**

The Leavenworth Soccer Association(LSA) has requested an adjustment to the fees owed for rental of city owned property for the year 2020. Per agreement with the City, LSA pays an annual rental fee for usage of City property to administer a recreational and competitive soccer program, with both a spring and fall season. This agreement with the City is for three years and was approved by the City Commission on July 11, 2017. Per this agreement, the amount set for rental for 2020 is \$8,250.

Due to the Covid-19 pandemic, LSA had to cancel their spring season. As such, LSA has requested a reduction in the fees owed to the city in 2020 in the amount of 50%, or \$4,125. As of right now, they plan to fully administer a fall season.

**RECOMMENDATION:**

Staff recommends approval of the request from LSA to reduce the fees owed to the city in the amount of \$4,125. In addition, staff recommends City Commission approval for city staff to make a similar adjustment later this year should cancellation of the fall season be required due to the pandemic.



**POLICY REPORT NO. P&R 5-20**  
**Parks & Recreation Department**  
**Leavenworth Soccer Association Agreement**  
**July 28, 2020**

**PREPARED BY:**

  
Steve Grant  
Parks and Recreation Director

**REVIEWED BY:**

  
Paul Kramer  
City Manager

**ISSUE:**

Review the agreement between the City of Leavenworth and the Leavenworth Soccer Association(LSA) for administering soccer programs for the community.

**BACKGROUND:**

For well over 20 years, the City of Leavenworth has had an operating agreement with the Leavenworth Soccer Association for the promotion, coordination, and administration of soccer programs for the City of Leavenworth. The Association is an all-volunteer organization committed to promoting youth and adult soccer in the community. They have organized and ran the Prison Break Soccer Tournament in years past, bringing over 100 teams into Leavenworth for a weekend tournament. They run both a spring and fall soccer season, as well as three one-week soccer camps during the summer. The agreement in the past has been a three year agreement, with this current agreement expiring July 31, 2020.

Attached is the operating agreement that would become effective August 1, 2020 for a time period of three years, expiring July 31, 2023. This new agreement consists of mostly minor modifications, with one significant modification regarding the fee schedule. City staff met with representatives of LSA to review a request for a reduction in usage fees for the upcoming agreement. LSA pointed to an uncertain future regarding participation with the current state of the pandemic. City staff discussed the ongoing costs associated with field maintenance, especially regarding the game field complex. After much discussion both sides reached an agreement for a flat fee of \$4,000 to be paid at the end of each season, for a total of \$8,000 annually. This charge would remain constant for the three year duration of this agreement, at which time city staff and LSA representatives will review.

**RECOMMENDATION:**

Staff recommends approval of the agreement with the Leavenworth Soccer Association as written.

**ATTACHMENTS:**

\*August 1, 2020 - July 31, 2023 Operating Agreement.





**City of Leavenworth**

**and**

**The Leavenworth Soccer Association**

**Soccer Program Operating Agreement**

**August 1, 2020**

# AGREEMENT

This Agreement is hereby made and entered into this 1<sup>st</sup> day of August 2020, by and between the City of Leavenworth, Kansas, a Municipal Corporation (hereinafter called “City”) and the Leavenworth Soccer Association (hereinafter called the “Association”), a non-profit organization incorporated within the state of Kansas.

WHEREAS, the City and the Association agree that it is desirable to conduct a soccer program in Leavenworth; and,

WHEREAS, the City is the owner of several soccer fields and complexes which are available for use in operating a soccer program; and,

WHEREAS, the Association has extended an offer to manage and operate a soccer program for and on behalf of the City; and,

WHEREAS, the Association and the City desire to enter into an agreement for the operation of a soccer program in Leavenworth.

NOW, THEREFORE, THE PARTIES HERETO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

## **Recreational Activities for the Community**

The primary service of the Leavenworth Parks and Recreation Department is to provide opportunities for enriching the lives and meeting the recreational needs of its citizens. The expressed purpose of the Leavenworth Parks and Recreation Department is to maintain and develop facilities and programs to provide a well-rounded, wholesome program of leisure time activities for the people residing in the community of Leavenworth. The Leavenworth Parks and Recreation Department will continually strive to make available to the people, public property that has recreational value. The Leavenworth Parks and Recreation department recognizes and strives to implement the joint use of public property for the multi-purpose and financial advantages it has for residents of the community.

The primary purpose of the Leavenworth Soccer Association is to promote, coordinate, and administer soccer programs in the City of Leavenworth. The Association is an all-volunteer organization committed to promoting youth and adult soccer in our community. Their goal is to promote soccer with emphasis on developing skills and a love of the game.

## **Agreement Objective**

The City elects to enter into an Agreement with the Association to completely manage and maintain a soccer program for the community. The overall objective of this Agreement is to establish a soccer program that benefits the citizens of the community at the least cost to the taxpayers, soccer players, and their families. It is the objective of the City and the Association to provide an affordable soccer program to each participant. The Association agrees to run the program in the most cost-effective manner possible and decrease the burden on taxpayers, over time, by providing services for the City.

## **Requirements for Soccer Program**

This program should at a minimum include the following:

1. Complete management and scheduling of a soccer program for the benefit of the community.
2. Active recruitment and participation by members of the community from all age groups.
3. Training for coaches and volunteers from the community in support of this program.
4. Open communication with the Leavenworth Parks & Recreation Department and the Advisory Board.
5. A governing board of directors appointed by the membership of the Association, to include a representative from the Leavenworth Parks & Recreation Department.
6. A complete set of bylaws, policies, and procedures for the governing of such a program provided to the Leavenworth Parks and Recreation Department.

## **Program Guidelines**

To achieve the maximum benefit to the community and fair and equal participation in the program, the City requests that the Association implement the following items into the program:

1. Actively recruit players of all ages.
2. Establish a scholarship program to ensure all members of the community can participate regardless of financial status.
3. Ensure every player plays at least 50% of every game in the recreational division.
4. Sponsor coaches clinics for every age and division.
5. Sponsor players' clinics for every age and division.
6. Shirts for every registered player (for an additional fee).
7. Maintain a complete financial package to include property, personnel, breakdown of fees, dues, registrations, and expenses in accordance with generally accepted rules of accounting. Submit those records annually after completion of the fall soccer season to the City of Leavenworth Parks and Recreation Director.
8. Establish rules and guidelines for play.
9. Ensure qualified officials are available for every level of play.
10. Establish a Risk Mitigation Program annually.

## **Rights, Duties, and Obligations of the Association**

*A. The Association agrees to:*

1. Provide full organization, administration, and supervision of all soccer competition including league organization, scheduling, competition, and tournament play for the teams affiliated with the Association on the fields and complexes specified in this Agreement.
2. Manage and schedule only the daily use of all fields and complexes specified in this Agreement for affiliated teams, tournaments, exhibits, and special soccer-related events.
3. Maintain a quality program that complies with all City regulations, ordinances, and applicable laws.

4. Maintain open and positive communication with the Leavenworth Parks & Recreation Department and Advisory Board.
5. Provide current records and accounts including property, personnel, and financial records suitable to the Association to assure an accounting of all Agreement expenses.
6. Make such records and accounts available annually after the fall season to the City Parks and Recreation Director, City Finance Director, or any other authorized City representative. The Association shall retain such records and accounts for a minimum period of three (3) years.
7. Provide a complaints and grievances policy to the Parks and Recreation Department.
8. Provide and maintain nets on all goals to include practice and game fields.
9. Provide copies of all schedules to the Parks & Recreation Department two (2) weeks prior to the start of league play.
10. Provide copies of all camp schedules to the Parks & Recreation Department two (2) weeks prior to start date.

### **Rights, Duties, and Obligations of the City**

*A. The City shall provide the following with respect to the fields and complexes identified in this Agreement.*

1. Provide trash receptacles at each facility.
2. Provide safe, playable fields to play and practice on during the prescribed seasons. Provide goals on all practice and game fields on City-owned property.
3. Recognition of the Association as the organization responsible for the management of scheduling of Association-related activities on the soccer fields at the facilities defined in this Agreement.
4. The City of Leavenworth agrees to the specific responsibilities outlined in this Agreement.
5. Make fields available for league play and tournaments using the following schedule:
  - a. **Spring:** Fourteen (14) consecutive weeks during the spring beginning the first Monday in March.
  - b. **Fall:** Fourteen (14) consecutive weeks during the fall beginning the first Monday in August.
  - c. **Summer:** Three (3) one-week soccer camps, with dates to be determined during June of each year.
  - d. Use of fields for practices, games, special events, and other LSA-sponsored activities is prohibited at all other times without prior approval of the City Parks & Recreation Department.

### **Facilities Usage Policy**

The City will provide City-owned property for practices and games. The Soccer Complex located on the N.W. Corner of New Lawrence Road and 14<sup>th</sup> Street in Leavenworth Kansas will be for games only. Practice areas will be determined seasonally based on needs of the association.

The Association will manage usage of the assigned fields during the dates indicated in this Agreement, for purposes to include league play, tournaments, practices, exhibition, camps, and/or special events. The Parks and

Recreation Department will manage usage of the fields at all other times. The Association shall develop a usage policy, which must be approved by the Parks & Recreation Department. This usage policy will address playability, rotation, scheduling of fields, and security. The Parks and Recreation Department will routinely inspect assigned fields for maintenance and care and reserves the right to take fields out of play if their condition warrants.

### **Fees**

There shall be no fees charged for Soccer activities other than normal published registration fees. For the purposes of Concessions, Tournaments, Exhibition and/or special events, the Association may collect fees to assist and offset costs associated with the maintenance of the facility and surrounding areas and other event costs.

The Association shall pay the City \$4,000 within 45 days after the end of the published spring season, and \$4,000 within 45 days after the end of the published fall season, to help offset maintenance costs of the soccer complex. If the Association sponsors tournaments, other than for their own leagues, they shall pay the City \$50 per day per field in addition to the seasonal aforementioned fee structure. A field is any given area marked and lined for play with its own set of goals.

### **Concessions**

The Association shall have the right to operate any permanent or temporary concessions on the allocated facilities identified in this Agreement on days that games are scheduled, during or prior to games, tournaments, or soccer events sponsored by the Association. Such concession rights shall be limited to food, beverages, sundries, and non-consumables such as soccer-related equipment, t-shirts, hats, or other similar wearing apparel. The Association shall be responsible for the payment of any taxes, obtaining any permits or licenses, and compliance with any laws, ordinances, rules or regulations including but not limited to, those pertaining to health and safety, required for such concession. The Association agrees to remit 15% of the net proceeds for concession sales to the City of Leavenworth Parks and Recreation Department for use of facilities for concession purposes. Concession fees shall be remitted within 45 days after the end of each published season, tournament, or event at which concessions are sold.

### **Special Events**

The City grants permission to the Association to conduct special events throughout the designated period of use on the facilities indicated in this Agreement. The Association agrees to identify each specific event, the date on which the event is scheduled, and to coordinate such events with the Leavenworth Parks & Recreation Department.

### **Term**

This Agreement shall be in effect from August 1, 2020, until July 31, 2023. Prior to renewing this Agreement, the City agrees to consider modifications or changes which are presented in writing to the Parks & Recreation Department no later than the first day of July of the final year of the contract.

### **Cancellation**

This Agreement may be cancelled at the discretion of either party with written notice of such cancellation to the other party not earlier than 60 days prior to the end of the current published soccer season.

## **Indemnity**

The Association agrees to indemnify and hold harmless the City, its officers, agents and employees, successors and assigns, individually and collectively, from and against all liability for any fines, claims, suits, demands, actions, or causes or action of any kind and nature asserted by any person, for personal injury or death, anyway arising out of, or resulting from any activity or operation of the Association while managing and operating the soccer program. The Association further agrees to pay all expenses in defending against any claims made against the City; provided, however, that the Association shall not be liable for injury, damage, or loss occasioned by the sole negligence or willful misconduct of the City, its agents, or employees. The Association and the City shall give prompt and timely notice of any claim made or suit instituted which, in any way, directly or indirectly contingently or otherwise, affects or might affect either party.

## **Insurance**

The Association shall purchase and maintain in full force and effect during the term of this agreement, insurance in a company or companies satisfactory to the City, but regardless of such approval, it shall be the responsibility of the Association to maintain such coverage and shall not relieve Association of any responsibility or obligation. Insurance of the following types and with the following limits are required:

General Liability:

The minimum limits of liability for commercial general liability insurance shall be:

\$1,000,000 each occurrence for bodily injury or property damage;  
\$2,000,000 general aggregate; and

General Liability coverage shall name City as an Additional Insured. The coverage shall provide protection for the Association and the City against liability from damages because of injuries, including death, suffered by any person and liability from damages to property, arising from or growing out of the Association's operations in connection with this agreement. All insurance required by this agreement shall remain in force through the terms of the agreement. Each policy shall also contain a severability of interest conditions and the insurance afforded by the Association shall be primary insurance. The Description of Operations section of the Certificate of Liability shall reference the "Recreational Soccer Operating Agreement".

The Association shall provide the City with a Certificate of Insurance, specifying Association's insurance coverage and limits. A Certificate of Insurance shall also be provided upon each policy renewal. Certificates of Insurance shall be sent to City at the address stated herein.

City of Leavenworth  
Attn: City Clerk  
100 N. 5<sup>th</sup> Street  
Leavenworth KS 66048

Such proof of insurance shall provide for ten (10) days prior written notice to the City before cancellation, termination or material change or modification of such insurance, unless longer advance notice is required by the City. Such notice shall be given to City at the address above noted.

## **Independent Contractor**

It is understood and agreed by and between the Association and the City that any and all acts that the Association or its personnel, employees, agents, contractors, or servants, perform pursuant to the terms of this Agreement shall be undertaken as independent contractors and not as employees of the City. The Association shall have no authority to bind the City by or with any contract or Agreement, or to impose any liability upon the City. All acts and contracts of the Association shall be in its own name and not in the name of the City, unless otherwise provided herein.

## **General Conditions**

### *A. Applicable Law*

Parties to this Agreement shall conform to all existing and applicable city ordinances, resolutions, state laws, federal laws, and rules and regulations. Kansas law will govern the terms and the performance under this contract.

### *B. Merger*

This Agreement shall not be merged into any other oral or written Agreement, lease, or deed of any type. This is the complete and full Agreement of the parties.

### *C. Modification*

This Agreement contains the entire Agreement of the parties. No representations were made or relied upon by either party other than those that are expressly set forth herein. No agent, employee, or other representative of either party is empowered to alter any of the terms hereon unless done in writing and signed by an authorized officer of the respective parties.

### *D. Modification to Facilities*

The Leavenworth Soccer Association agrees that any modifications to the soccer complex in the way of permanent facilities, beautification efforts, or landscape efforts will become the property of the City of Leavenworth upon termination of this Agreement, and that all permanent facilities and/or structures will be in compliance with any and all city codes and/or ordinances that may pertain. No modifications to the soccer complex will be made without prior approval of the City of Leavenworth.

### *E. Assignment*

The Association may not assign its rights under this Agreement without the express prior written consent of the City.

### *F. Compliance*

All provisions of this Agreement and each and every document that shall be attached shall be strictly complied with as written; no substitution or change shall be made except upon written direction from authorized representatives.

### *G. Authorized Representatives*

In further consideration of the mutual covenants herein contained, the parties hereto expressly agree that for the purposes of notice, including legal service or process, during the term of this Agreement and for the period of





**Policy Report**

City of Lansing and City of Leavenworth – Eisenhower Road and K-7 Hwy

Memorandum of Understanding

July 28, 2020

Prepared by:



Paul Kramer  
City Manager

**Background:**

The cities of Lansing and Leavenworth have been awarded a \$1,680,000 Kansas Department of Transportation (KDOT) grant for improvements at the intersection of Eisenhower Road and K-7 Hwy. The improvements are designed to make the intersection safer and improve traffic flow for both communities. Construction for the project is scheduled for 2021.

**Subject:**

Attached is the Memorandum of Understanding (MOU) detailing the scope, purpose and cost breakdown of the project. The MOU was negotiated between Tim Vandall, City Administrator for Lansing, and Paul Kramer, City Manager for Leavenworth, with input from staff from both cities. The Lansing City Council has approved the MOU.

**Action:**

An MOU between the City of Leavenworth and the City of Lansing is before you at this regular business meeting for your consideration for formal approval/adoption.

**ATTACHMENTS:**

Memorandum of Understanding

**AN AGREEMENT PURSUANT TO THE AUTHORITY GRANTED BY K.S.A. 12-2908,  
BETWEEN THE CITIES OF LANSING AND LEAVENWORTH, KANSAS, FOR  
CERTAIN IMPROVEMENTS TO THE INTERSECTION OF EISENHOWER ROAD  
AND KANSAS HIGHWAY SEVEN**

**WHEREAS** the cities of Lansing and Leavenworth, Kansas are authorized by K.S.A. 12-2908 to enter into a cooperative agreement in order to undertake projects of common interest and benefit; and

**WHEREAS** the cities of Lansing and Leavenworth, Kansas desire that such improvements to the intersection of Eisenhower Road and Kansas Highway Seven be undertaken to benefit the citizens of Lansing and Leavenworth; and

**WHEREAS** the cities of Lansing and Leavenworth have been awarded a \$1,680,000 grant from the Kansas Department of Transportation to assist with the improvements to said intersection; and

**WHEREAS** the cities of Lansing and Leavenworth, Kansas have previously agreed to maintenance responsibilities for Eisenhower Road on the 11<sup>th</sup> day of August, 1998, and this agreement supplements the previous agreement for this specific improvement;

**WHEREAS**, the grant requires local participation matching funds, and additional non-grant eligible expenses are expected

**NOW BE IT THEREFORE AGREED**

1. **Purpose** The stated purpose of this agreement between the Cities of Lansing and Leavenworth is to agree upon a funding agreement to take advantage of the KDOT grant intended to improve the intersection of Eisenhower Road and Kansas Highway Seven, making the intersection safer and improving the traffic flow for patrons of the businesses along the corridor and the citizens of both communities
2. **Cooperation** The parties shall cooperate in the project through mutual consultation and timely communication. The parties shall execute future agreements and documents as may be needed to achieve the common purpose of improving the intersection, making it safer for citizens and improving traffic flow.
3. **No Separate Entity Created** This agreement is entered into under the provision of K.S.A. 12-2908 and no separate entity is created.
4. **Breakdown of Costs** The parties hereby agree that:
  - a. Leavenworth and Lansing are currently working with consultants from Alfred Benesch & Company for design engineering. Cities agree for Lansing to pay ½ of design engineering and Leavenworth to pay for ½ of design engineering. The Alfred Benesch contract totals \$299,428.
  - b. Lansing will pay two-thirds (2/3) of construction costs consisting of KDOT matching funds and other agreed upon non-KDOT eligible expenses, while Leavenworth will pay one-third (1/3) of construction costs.



- c. Lansing will pay two-thirds (2/3) of construction inspection costs, while Leavenworth will pay one-third (1/3) of construction inspection costs for a mutually agreed upon inspector.
  - d. The parties agree that the KDOT funds will be used to the maximum extent practicable for all eligible expenses, and all matching funds and any non-eligible construction and inspection costs will be shared 2/3 Lansing and 1/3 Leavenworth.
  - e. In the event of any land acquisition, land acquisition costs will be paid by the entity in which the land resides.
  - f. Utility relocation costs
    - i. Utility relocation costs will be paid for by the entity in which the utility resides; more specifically, the Evergy poles located west of Fourth Street/Main Street within the City limits of Lansing and north approximately 1,225 feet from Eisenhower Road to north line of Home Depot Property, will be moved at Lansing's and/or Evergy's expense; photographs of the poles are included in Appendix A.
- 5. Scope of Project** This project is currently under design by Alfred Benesch & Company, with feedback from the Public Works staff from both communities. At the time of this writing, the general scope of this project includes: (list from Benesch memo dated 5-7-2020)
- a. Add additional northbound left-turn lane (Dual left-turn lanes)
  - b. Eastbound and westbound exclusive left-turn lanes
  - c. Eastbound right-turn lane
  - d. Southbound right-turn lane
  - e. New signal poles and controller
  - f. Continued connection to MARC/OGL
- 6. Maintenance** Upon completion of the project and expiration of the project's maintenance bond, maintenance shall be conducted in accordance with the Memorandum of Understanding dated August 11, 1998.
- 7. Cash Basis Law** The provisions of this agreement, as they pertain to the parties, shall be subject to the provisions of the laws of the State of Kansas, to include the cash-basis laws of the State.
- 8. Severability** In the event that any court, tribunal, or administrative agency with competent jurisdiction over the matters addressed within this agreement determines that any specific provision of this agreement is void or ultra-vires, the remaining provisions, terms, and obligations set forth herein shall remain binding upon the parties.
- 9. Authority to enter into the Agreement** Each of the undersigned state and covenant that they have the express authority of their respective governing bodies to enter into this agreement and bind them to the terms contained herein.
- 10. Date of Entry into Agreement** That this agreement shall become binding upon the parties upon the date of execution of this agreement by the last party to do so.

FOR THE CITY OF LANSING, KANSAS

Michelle L. Smith  
Mayor

Date: 7-16-2020

Attest: [Signature]



FOR THE CITY OF LEAVENWORTH, KANSAS

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

# Appendix A





POLICY REPORT PWD NO. 20-34

CONSIDER BIDS FOR THE  
2020 STORMWATER PROJECT

Project 2019-921

July 28, 2020

Prepared by:



Michael G. McDonald  
Director of Public Works

Reviewed by:



Paul Kramer,  
City Manager

**ISSUE:**

Consider bids received for the 2020 Stormwater Project.

**BACKGROUND:**

At the July 18, 2017 City Commission meeting, staff supplied an outline for the proposed Stormwater Management Program. Priority ONE of the program was to address the growing list of resident calls where stormwater infrastructure issues have been identified and/or have orange fences on their properties.

The first 2019 Stormwater Project made repairs to the system in six (6) locations at a cost of \$153,335, the second 2019 project made repairs to the system in four (4) locations at a cost of \$268,584. Staff continues to evaluate and prioritize the list of issues and locations.

This 2020 project is the third project to address orange fence locations as outlined in the summary to the Commission on July 18, 2017. This project addresses orange fence locations on private property and where the deteriorated stormwater system affects an alley. Locations for this project are listed below:

1. 805 S. Broadway – deteriorated CMP and failed stone arch in the alley
2. 715 6th Avenue – deteriorated CMP in front yard and alley

Napier Engineering was contracted in March to produce the plans and specifications. The project was advertised for bid in the Leavenworth Times and at Drexel Technologies on July 1. A pre-bid meeting was held on July 8th and bids were opened on July 15th.

Bids received for the project are listed below. The lowest qualified base bid was from Pruett Construction in the amount of \$146,033.20.

Pruett Construction has not previously done work for the City. References for projects of similar scope and size were submitted and checked by staff. All responses were positive.

Company	City	Total Bid
Pruett Construction	Lancaster, KS	\$146,033.20
Blue Nile Construction	Birmingham, MO	\$161,129.80
Linaweaver Construction	Lansing, KS	\$182,005.00
Westland Construction	Basehor, KS	\$192,364.25
Engineer's Estimate:	\$176,655.00	

The project will be funded with monies from the stormwater fee. The project is anticipated to start in August and will take 60 days to complete. Inspection work will be completed with City forces.

**POLICY:**

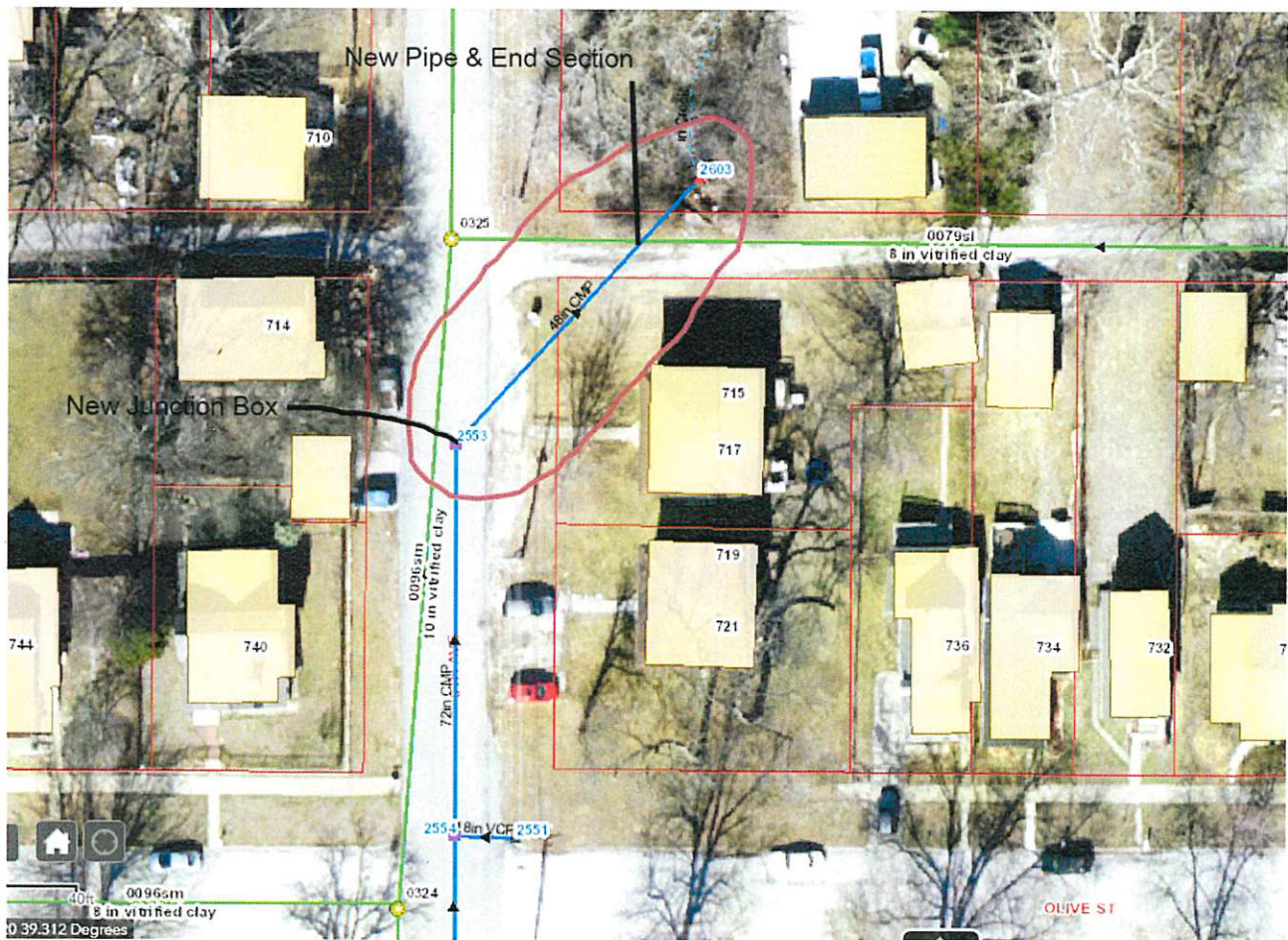
The City Commission can reject all bids or award the contract to the lowest qualified bidder if desired.

**RECOMMENDATION:**

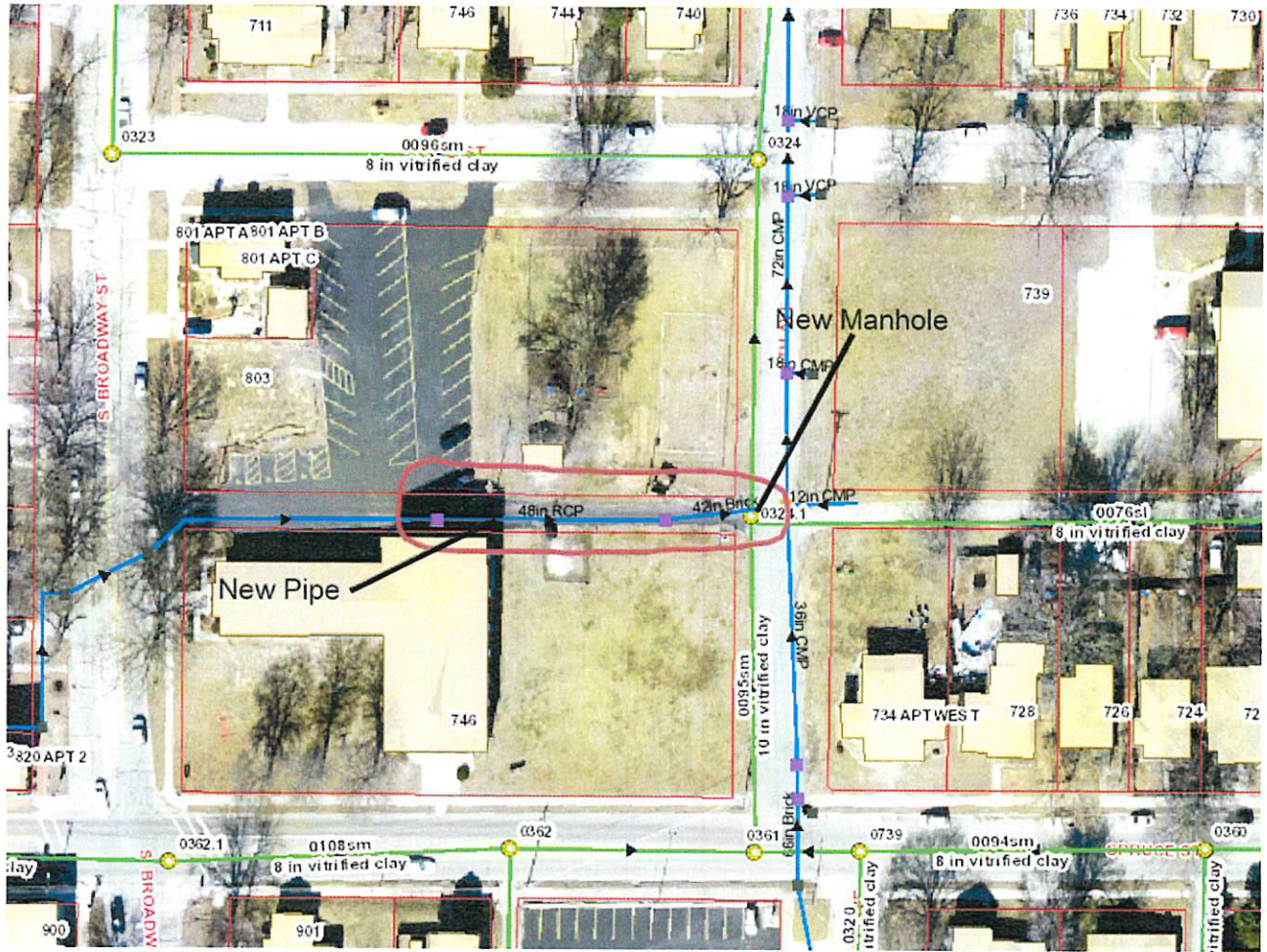
Staff recommends that the City Commission accept the low bid received from Pruet Construction in the amount of \$146,033.20 for the 2020 Stormwater Project.

**ATTACHMENTS:**

- Bid Tabs
- Site Pictures











**CITY OF LEAVENWORTH**  
**Project No. 2019-921**  
**2020 Stormwater Project Bid Tab Review**  
**July 15, 2020**

**BASE BID**

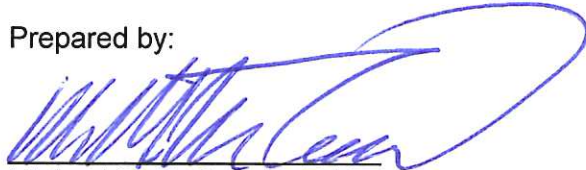
Item	Description	Unit	Quantity	Engineer's Estimate		Pruett Construction		Blue Nile Contractors		Linaweaver Construction		Westland Construction	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00	\$12,814.63	\$12,814.63	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00
2	Demolition, Clearing & Grubbing	LS	1	\$9,500.00	\$9,500.00	\$12,000.00	\$12,000.00	\$5,452.12	\$5,452.12	\$12,250.00	\$12,250.00	\$15,000.00	\$15,000.00
3	Grading & Excavation	LS	1	\$15,000.00	\$15,000.00	\$4,500.00	\$4,500.00	\$2,975.51	\$2,975.51	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00
4	Construction Staking	LS	1	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$1,069.04	\$1,069.04	\$2,500.00	\$2,500.00	\$100.00	\$100.00
5	Traffic Control	LS	1	\$3,800.00	\$3,800.00	\$3,500.00	\$3,500.00	\$950.26	\$950.26	\$5,500.00	\$5,500.00	\$9,000.00	\$9,000.00
6	Erosion Control	LS	1	\$2,500.00	\$2,500.00	\$1,800.00	\$1,800.00	\$772.09	\$772.09	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00
7	Seeding	LS	1	\$2,000.00	\$2,000.00	\$2,250.00	\$2,250.00	\$772.09	\$772.09	\$1,800.00	\$1,800.00	\$2,000.00	\$2,000.00
8	6' x 5' Junction Box	EA	2	\$4,500.00	\$9,000.00	\$8,236.00	\$16,472.00	\$5,433.12	\$10,866.24	\$6,650.00	\$13,300.00	\$8,500.00	\$17,000.00
9	48" HDPE	LF	122	\$110.00	\$13,420.00	\$150.00	\$18,300.00	\$200.40	\$24,448.80	\$200.00	\$24,400.00	\$175.00	\$21,350.00
10	48" RC End Section	EA	1	\$2,300.00	\$2,300.00	\$3,001.00	\$3,001.00	\$4,102.75	\$4,102.75	\$2,600.00	\$2,600.00	\$3,500.00	\$3,500.00
11	53" x 41" UltraFlo Aluminized Type 2 Pipe	LF	141	\$150.00	\$21,150.00	\$204.00	\$28,764.00	\$233.40	\$32,909.40	\$250.00	\$35,250.00	\$220.00	\$31,020.00
12	Connect Ex. 48" RCP to 6' x 5' Junction Box	EA	1	\$3,000.00	\$3,000.00	\$1,400.00	\$1,400.00	\$3,165.56	\$3,165.56	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00
13	Connect 48" HDPE to Ex. 72" Stone Arch	EA	1	\$5,000.00	\$5,000.00	\$2,100.00	\$2,100.00	\$1,811.44	\$1,811.44	\$3,000.00	\$3,000.00	\$4,000.00	\$4,000.00
14	Repair 8' x 3' Curb Inlet Top (734 Deerfield)	EA	1	\$2,000.00	\$2,000.00	\$1,200.00	\$1,200.00	\$1,133.19	\$1,133.19	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00
15	Alley Repair	SY	285	\$80.00	\$22,800.00	\$47.82	\$13,628.70	\$50.71	\$14,452.35	\$46.00	\$13,110.00	\$40.55	\$11,556.75
16	Street Repair	SY	137	\$150.00	\$20,550.00	\$34.00	\$4,658.00	\$111.50	\$15,275.50	\$75.00	\$10,275.00	\$120.00	\$16,440.00
17	8" Reinforced Concrete Pad (Trash Enclosure Lane)	SY	18.5	\$160.00	\$2,960.00	\$195.00	\$3,607.50	\$123.66	\$2,287.71	\$120.00	\$2,220.00	\$135.00	\$2,497.50
18	4' Wide Concrete Sidewalk	LF	35	\$25.00	\$875.00	\$50.00	\$1,750.00	\$33.26	\$1,164.10	\$30.00	\$1,050.00	\$40.00	\$1,400.00
19	300-600# Rip Rap	SY	100	\$80.00	\$8,000.00	\$23.00	\$2,300.00	\$51.17	\$5,117.00	\$65.00	\$6,500.00	\$65.00	\$6,500.00
20	4' Dia. Shallow Sanitary Manhole	EA	1	\$5,000.00	\$5,000.00	\$3,452.00	\$3,452.00	\$4,313.00	\$4,313.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
21	10" PVC SDR 26 Sanitary Pipe	LF	50	\$150.00	\$7,500.00	\$65.00	\$3,250.00	\$151.65	\$7,582.50	\$120.00	\$6,000.00	\$75.00	\$3,750.00
22	8" PVC SDR 26 Sanitary Pipe	LF	60	\$100.00	\$6,000.00	\$70.00	\$4,200.00	\$109.87	\$6,592.20	\$115.00	\$6,900.00	\$75.00	\$4,500.00
23	Concrete Reinforced around Sewer Pipe	LF	18	\$100.00	\$1,800.00	\$50.00	\$900.00	\$61.24	\$1,102.32	\$75.00	\$1,350.00	\$125.00	\$2,250.00
24				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
25				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL - BASE BID</b>					<b>\$176,655.00</b>		<b>\$146,033.20</b>		<b>\$161,129.80</b>		<b>\$182,005.00</b>		<b>\$192,364.25</b>

**POLICY REPORT PWD NO. 20-35**

**CONSIDER APPROVAL OF LOW BID FOR  
THE 2020 PAVEMENT MANAGEMENT PROGRAM (MILL AND OVERLAY)**

City Project 2020-927  
July 28, 2020

Prepared by:



Michael G. McDonald, P.E.,  
Director of Public Works

Reviewed by:



Paul Kramer,  
City Manager

**ISSUE:**

Consider the bid received for the 2020 Pavement Management Program.

**BACKGROUND:**

Each year the City Commission authorizes General Improvement Bonds and Sales Tax for the annual maintenance of public streets. All work encompasses major repair and maintenance work beyond the scope of the Streets Division.

On February 25, 2020, the City Commission approved a design contract with Affinis for design of the 2020 Pavement Management Program. The budget allocation for 2020 includes sufficient funds for:

- The mill and overlay of approximately five (5) miles of roadway
- Repair of the City parking lot at the NW corner of 3rd Street and Delaware
- Inspection of the 2020 program
- Design of the 2021 program

Upon further evaluation, staff is expected to be able to perform all inspection services on the project.

**CURRENT PROJECT:**

The 2020 program includes:

- Mill & overlay of numerous streets in the Northeast and Northwest quadrants of the City (see attached map)
- Mill and overlay of four (4) cul-de-sac bulbs
- Parking lot improvements to the lot at the NW corner of 3rd Street and Delaware
- Pavement striping on 4th Street, Limit to Metropolitan
- Pavement striping to the intersections of Shrine Park and Limit
- The bid proposal does include four (4) Alternates to consider should the City receive favorable bids within the budget

The project plans were prepared by the Affinis Corporation and a notice of the project was sent to area plan rooms, Drexeltech.com, and advertised in The Leavenworth Times. Bids were opened on July 24th. Bid results and a recommendation will be distributed prior to the meeting on July 28, 2020.

Work is expected to begin by mid to late August and be completed in 90 calendar days.

**RECOMMENDATION:**

Staff recommends that the City Commission approve the low bid for the "Base Bid" submitted by \_\_\_\_\_ for the 2020 Pavement Management Program, in the amount of \$ \_\_\_\_\_.

**POLICY:**

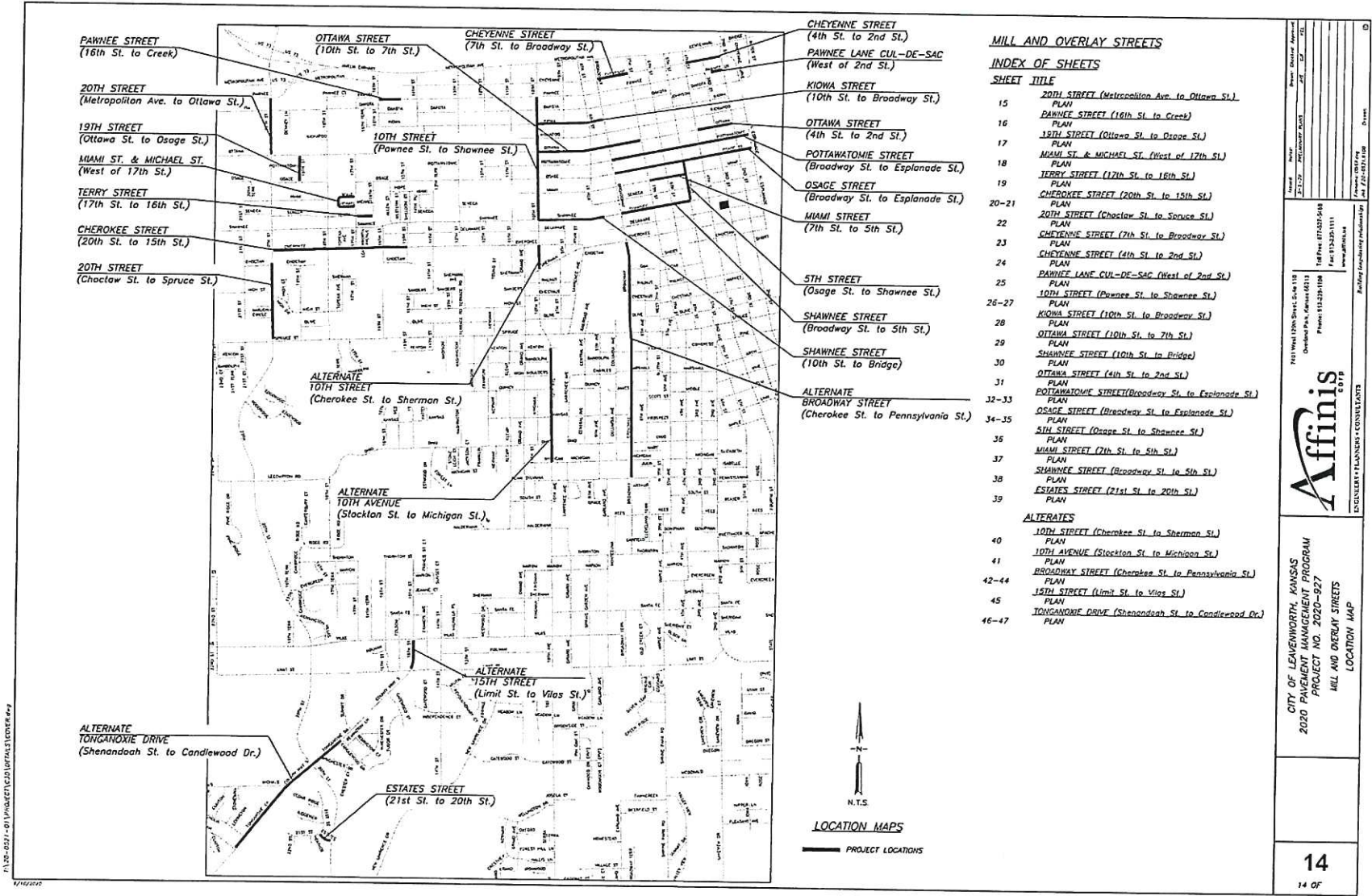
The City Commission generally awards bids to the lowest bidder that are properly submitted and within the Engineer's Estimate.

Company	City	Base Bid	Alternate 1	Alternate 2	Alternate 3	Alternate 4	Bid Total
<u>Engineer's Base Bid Estimate</u>							

**ATTACHMENTS:**

Location Map





PAWNEE STREET  
(16th St. to Creek)

20TH STREET  
(Metropolitan Ave. to Ottawa St.)

19TH STREET  
(Ottawa St. to Osage St.)

MIAMI ST. & MICHAEL ST.  
(West of 17th St.)

TERRY STREET  
(17th St. to 16th St.)

CHEROKEE STREET  
(20th St. to 15th St.)

20TH STREET  
(Choctaw St. to Spruce St.)

OTTAWA STREET  
(10th St. to 7th St.)

CHEYENNE STREET  
(7th St. to Broadway St.)

10TH STREET  
(Pawnee St. to Shawnee St.)

ALTERNATE  
10TH STREET  
(Cherokee St. to Sherman St.)

ALTERNATE  
10TH AVENUE  
(Stockton St. to Michigan St.)

ALTERNATE  
TONGATOXIE DRIVE  
(Shenandoah St. to Candlerwood Dr.)

ALTERNATE  
15TH STREET  
(Limit St. to Vilas St.)

ESTATES STREET  
(21st St. to 20th St.)

CHEYENNE STREET  
(4th St. to 2nd St.)

PAWNEE LANE CUL-DE-SAC  
(West of 2nd St.)

KIOWA STREET  
(10th St. to Broadway St.)

OTTAWA STREET  
(4th St. to 2nd St.)

POTTAWATOMIE STREET  
(Broadway St. to Esplanade St.)

OSAGE STREET  
(Broadway St. to Esplanade St.)

MIAMI STREET  
(7th St. to 5th St.)

5TH STREET  
(Osage St. to Shawnee St.)

SHAWNEE STREET  
(Broadway St. to 5th St.)

SHAWNEE STREET  
(10th St. to Bridge)

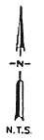
ALTERNATE  
BROADWAY STREET  
(Cherokee St. to Pennsylvania St.)

**MILL AND OVERLAY STREETS**

**INDEX OF SHEETS**

**SHEET TITLE**

15	20TH STREET (Metropolitan Ave. to Ottawa St.) PLAN
16	PAWNEE STREET (16th St. to Creek) PLAN
17	19TH STREET (Ottawa St. to Osage St.) PLAN
18	MIAMI ST. & MICHAEL ST. (West of 17th St.) PLAN
19	TERRY STREET (17th St. to 16th St.) PLAN
20-21	CHEROKEE STREET (20th St. to 15th St.) PLAN
22	20TH STREET (Choctaw St. to Spruce St.) PLAN
23	CHEYENNE STREET (7th St. to Broadway St.) PLAN
24	CHEYENNE STREET (4th St. to 2nd St.) PLAN
25	PAWNEE LANE CUL-DE-SAC (West of 2nd St.) PLAN
26-27	10TH STREET (Pawnee St. to Shawnee St.) PLAN
28	KIOWA STREET (10th St. to Broadway St.) PLAN
29	OTTAWA STREET (10th St. to 7th St.) PLAN
30	SHAWNEE STREET (10th St. to Bridge) PLAN
31	OTTAWA STREET (4th St. to 2nd St.) PLAN
32-33	POTTAWATOMIE STREET (Broadway St. to Esplanade St.) PLAN
34-35	OSAGE STREET (Broadway St. to Esplanade St.) PLAN
36	5TH STREET (Osage St. to Shawnee St.) PLAN
37	MIAMI STREET (7th St. to 5th St.) PLAN
38	SHAWNEE STREET (Broadway St. to 5th St.) PLAN
39	ESTATES STREET (21st St. to 20th St.) PLAN
<b>ALTERNATES</b>	
40	10TH STREET (Cherokee St. to Sherman St.) PLAN
41	10TH AVENUE (Stockton St. to Michigan St.) PLAN
42-44	BROADWAY STREET (Cherokee St. to Pennsylvania St.) PLAN
45	15TH STREET (Limit St. to Vilas St.) PLAN
46-47	TONGATOXIE DRIVE (Shenandoah St. to Candlerwood Dr.) PLAN



LOCATION MAPS

PROJECT LOCATIONS

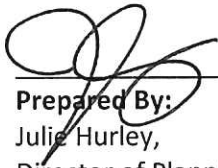
<p>161 West 12th Street, Suite 118 Leavenworth, Kansas 66048 Tel: 785-842-5448 Fax: 785-842-1111 www.affinis.com</p>	<p>Project Number: 927-01 Project Name: 2020 Pavement Management Program Scale: 1" = 100'</p>
<p><b>Affinis</b> CORP</p> <p>ENGINEERS &amp; PLANNERS • CONSULTANTS</p>	
<p>CITY OF LEAVENWORTH, KANSAS 2020 PAVEMENT MANAGEMENT PROGRAM PROJECT NO. 2020-927 MILL AND OVERLAY STREETS LOCATION MAP</p>	
<p><b>14</b> 14 OF</p>	

**POLICY REPORT**  
**First Consideration Ordinance**  
**2020-09-SUP**  
**1019 Ottawa**

**JULY 28, 2020**

**SUBJECT:**

Place on first consideration an ordinance to approve 2020-09-SUP



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**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development



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**Reviewed By:**  
Paul Kramer,  
City Manager

**NATURE OF REQUEST**

The applicant, David F. Anaya, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1019 Ottawa. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The current location is an empty lot. The property owner recently purchased the lot, and is requesting a Special Use Permit to allow the development of a two-family (duplex) structure.

Upon the request during the June 1, 2020 Planning Commission meeting for the applicant to provide a conceptual site plan, Mr. Anaya has submitted additional documentation and conceptual plans for review.

**COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*The property fills a need in the community by providing a two-family housing option.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are

such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The property currently does not have any structures on it. Any future structure will be required to meet the development regulations of the zoning district.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries. The Planning Commission considered this item at their July 13, 2020 meeting and voted unanimously to recommend approval of the Special Use Permit.

**ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling in the R1-6 zoning district.
- Deny the Special Use Permit request to allow a two-family dwelling in the R1-6 zoning district.

(Summary Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 1019 OTTAWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1<sup>st</sup> day of June, 2020 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 8<sup>th</sup> day of May 2020; and

**WHEREAS**, upon a motion made, duly seconded, and passed the City Planning Commission tabled the items on the 1<sup>st</sup> day of June 2020 to be held over to the next City Planning Commission to on the 13<sup>th</sup> day of July 2020; and

**WHEREAS**, the City Planning Commission did hear on the 13<sup>th</sup> day of July 2020 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a R1-6 zoning district located at 1019 Ottawa Street, Leavenworth, Kansas; and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That a special use permit be issued for a two-family dwelling on the following described property:

Lot 17, 18 and 19, Block 4, Ewing, Roelofson and Company's Subdivision, City of Leavenworth, Leavenworth County, Kansas and **more commonly referred to as 1019 Ottawa Street**, Leavenworth, Kansas.

**Section 2:** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.



**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk



**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

Case No.: 2020-09 SUP  
Application No. 7110  
Fee (non-refundable) \$350.00  
Filing Date 2-21-20  
Received By SA  
Publication Date 3-13-20  
Hearing Date 4-6-20

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Duplex house

in accordance with the attached site plan on the following described property:

Address:	<u>1019 Ottawa</u>		
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>		
Real Estate PID #:			
Zoning:	<u>R1-L0</u>	Historic District:	<u>DLA</u>

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	<u>David F. ANAYA</u>		
Owner Address:	<u>312 W. Gilman, Lansing Kansas 66043</u>		
Contact No.	<u>913-306-1545</u>	Email:	<u>Danaya2@KC.KR.com</u>
Signature of Owner(s):	<u>David F. Anaya</u>		

State of Kansas

County of Leavenworth

(SEAL)

**RACHAEL GARZA**  
Notary Public - State of Kansas  
My Appl. Expires 1/27/21

Signed or attested before me on: 2/21/2020

By: Rachael Garza

Notary Public

My Appointment Expires: 1/27/2021

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:

Address:

Contact No.

Email:

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	City will provide list of owners for property within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description (must be provided by the Register of Deeds Office)
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)

\*Mr. Anaya purchased the property on 2/19/20.



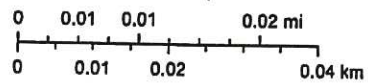
# 1019 Ottawa



5/15/2020, 12:44:28 PM

1:1,128

-  Override 1
-  Parcels (City Owned)
-  Parcels\_Current
-  Buildings
-  Address (Points)
-  Ortho 2018 Red: Band\_1
-  Green: Band\_2
-  Blue: Band\_3
-  East\_of\_River\_Blank
-  Streets

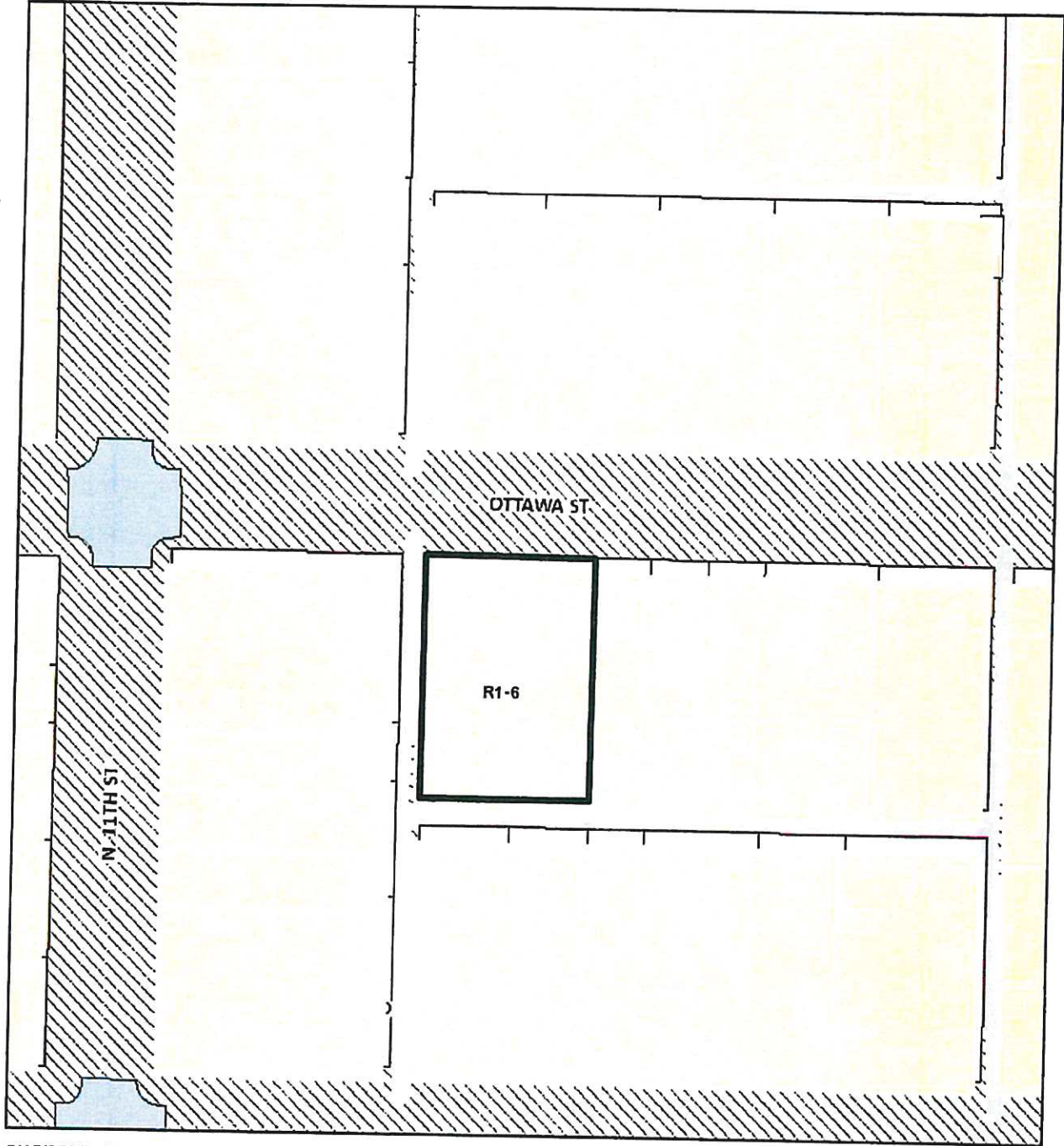


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS  
National Weather Service |

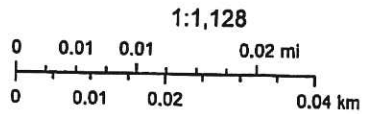


# 1019 Ottawa



5/15/2020, 12:41:59 PM

- |                |      |
|----------------|------|
| — Override 1   | MP   |
| Zoning_CURRENT | NBD  |
| CBD            | OBD  |
| GBD            | PUD  |
| I-1            | R-MF |
| I-2            |      |



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS  
National Weather Service |

**CONCEPT # 1 Basic Design**

No Fireplaces

Main Part of House will be widen by three(3) Feet on each side

Timberline Shingles or equal will be installed

**CONCEPT # 2 Basic Design**

Main Part of House will be widen by three(3) Feet on each side

Timberline Shingles or equal will be installed

Install a double gable roof on the front of house, see sketch, gables will be Symmetrical with each other

Construct two (2) 2-car carports on south side of house close to south alley

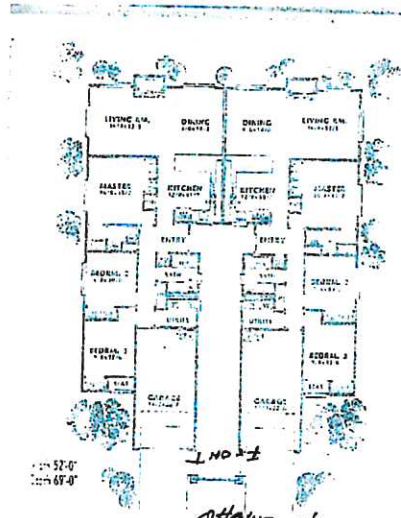
**CONCEPT #3 Same as Concept 2, add following**

Add brick veneer on front of house

Plant 4-5 trees on each side of house

Fence each side and back house

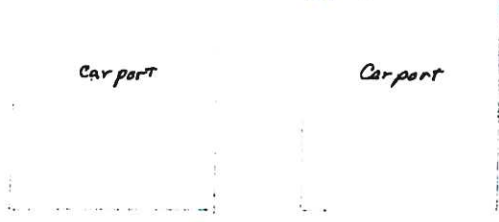
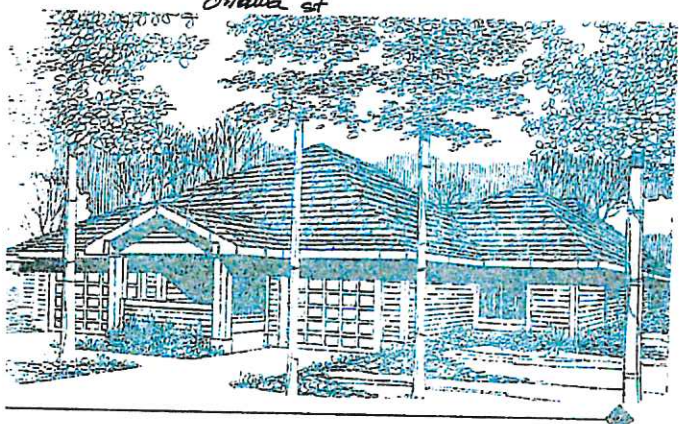
Install a utility shed for each side



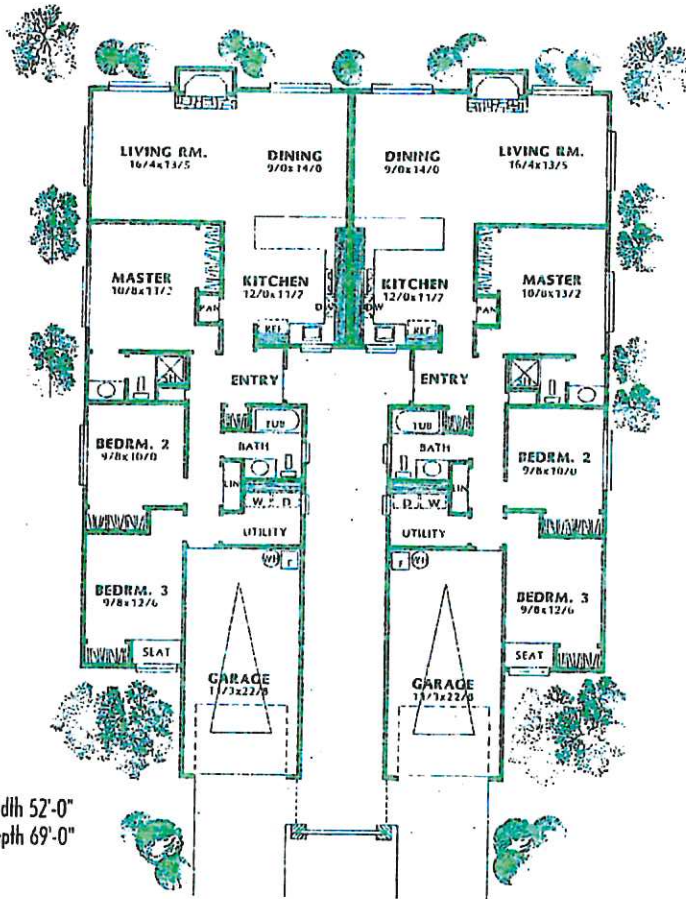
**Design 1012**  
 Square Footage: 1,225 per unit

A covered walkway to the front door is just one of the many charms of this fine duplex. Each unit offers the same amenities, ranging from the spacious living/dining room area warmed by a fireplace, the L-shaped kitchen with three bedrooms, to two full baths and a utility room. The front bedroom offers a built-in window seat, while the master bedroom is enhanced by a private full bath. Storage is evident with a pantry in the kitchen, a closet by the front door and a large linen closet in the hall. A one-car garage is available to keep the rain off when parking the car.

Design By  
 Percy & Berley  
 Designers, Inc.







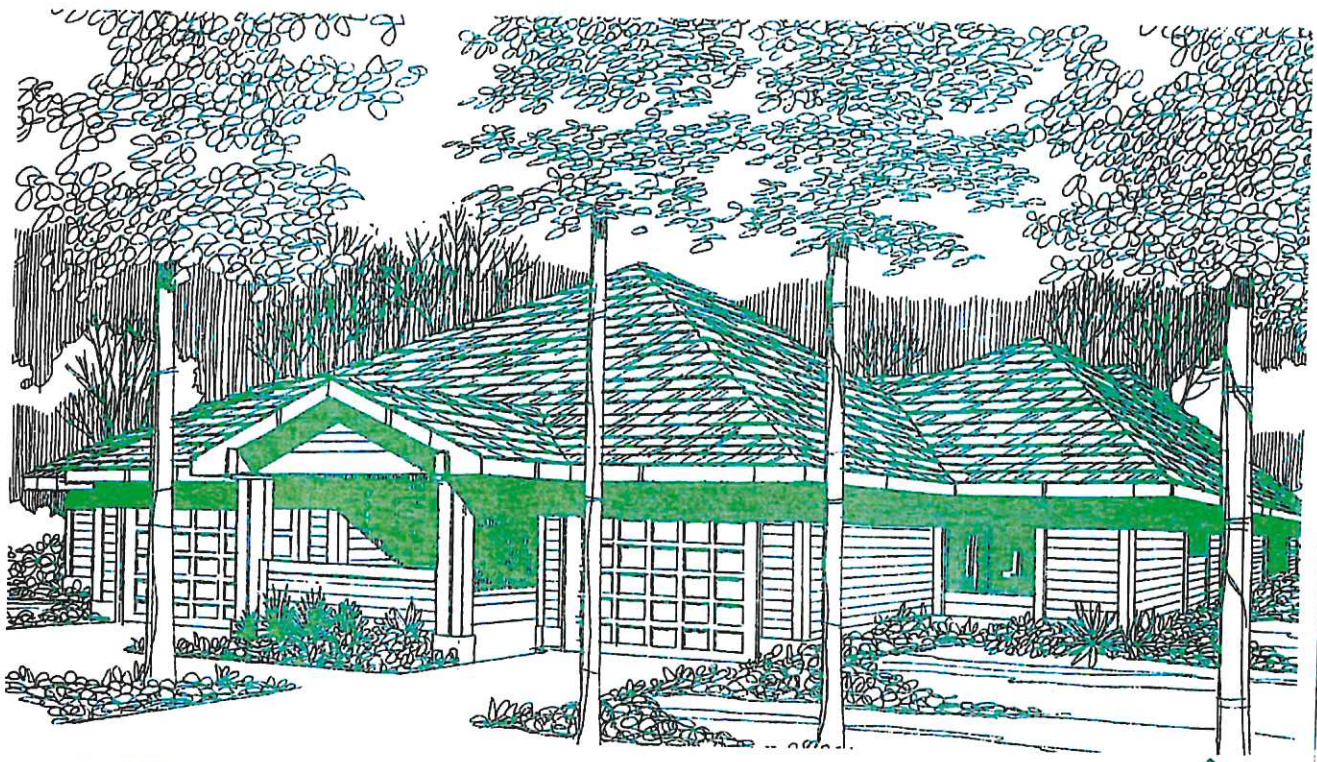
Width 52'-0"  
Depth 69'-0"

## DESIGN C512

Square Footage: 1,226 per unit

◆ A covered walkway to the front door is just one of the many charms of this fine duplex. Each unit offers the same amenities, ranging from the spacious living/dining room area warmed by a fireplace, the U-shaped kitchen and three bedrooms, to two full baths and a utility room. The front bedroom offers a built-in window seat, while the master bedroom is enhanced by a private full bath. Storage is evident with a pantry in the kitchen, a closet by the front door and a large linen closet in the hall. A one-car garage is available to keep the rain off when parking the car.

Design by  
Piercy & Barclay  
Designers, Inc.







**POLICY REPORT**  
**First Consideration Ordinance**  
**2020-22-SUP**  
**1906 Cleveland Terrace**

**JULY 28, 2020**

**SUBJECT:**

Place on first consideration an ordinance to approve 2020-22-SUP



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**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development



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**Reviewed By:**  
Paul Kramer,  
City Manager

**NATURE OF REQUEST**

The applicant, Candido and Kathleen Vazquez, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 1906 Cleveland Terrace. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The structure existing on the property has been functioning as a two-family dwelling since its construction. The property owner is requesting a Special Use Permit to adequately represent the current use of the structure on the property.

**COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*The property fills a need in the community by providing a two-family housing option.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it has in previous years.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries. The Planning Commission considered this item at their July 13, 2020 meeting and voted unanimously to recommend approval of the Special Use Permit.

**ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling in the R1-6 zoning district.
- Deny the Special Use Permit request to allow a two-family dwelling in the R1-6 zoning district.

(Summary Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 1906 CLEVELAND TERRACE IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 13<sup>th</sup> day of July, 2020 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 17<sup>th</sup> day of June 2020; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a R1-6 zoning district located at 1906 Cleveland Terrace Leavenworth, Kansas.

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That a special use permit shall be issued for a two-family dwelling on the following described property:

Lots 17, 18, and 19, Block 5, Fenn’s Broadway Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, and **more commonly referred to as 1906 Cleveland Terrace**, Leavenworth, Kansas.

**Section 2:** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Myron J. “Mike” Griswold

ATTEST:

—

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

{Seal}





**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

Case No.: 2020-22 SUP  
 Application No. 7466  
 Fee (non-refundable) \$350.00  
 Filing Date 5-12-20  
 Received By nl online  
 Publication Date 6-17-20  
 Hearing Date 7-13-20

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: duplex in the R1-L zoning district  
 in accordance with the attached site plan on the following described property:

Address: 1906 CLEVELAND TER, LEAVENWORTH, KS 66048  
 Legal Description: (Attach a full legal description provided by the Register of Deeds Office)  
 Real Estate PID #: 1010201023017000 (R10882)  
 Zoning: R-16 SFR Historic District: \_\_\_\_\_

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print): CANDIDO RAMON VAZQUEZ, KATHLEEN ANN VAZQUEZ  
 Owner Address: 11826 TURQUOISE WAY JURUPA VALLEY, CA 91752  
 Contact No. 941-2869040 Email: C.ramon.vazquez@gmail.com

Signature of Owner(s): C. Ramon Vazquez  
Kathleen Vazquez

State of \_\_\_\_\_  
 County of \_\_\_\_\_ (SEAL)

Signed or attested before me on:

Notary Public: see attached acknowledgment

My Appointment Expires: 5/7/2020 nr

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Contact No. \_\_\_\_\_ Email: \_\_\_\_\_

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

- Non-Refundable Fee of \$350.00 is due at time of application
- City will provide list of owners for property within two hundred (200) feet of the subject property
- Attach **full** legal description (must be provided by the Register of Deeds Office)
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)

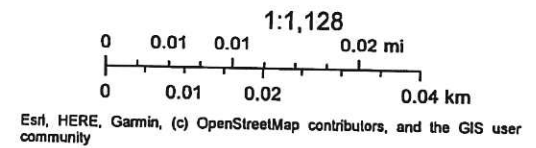


# 1906 Cleveland Terr



6/29/2020, 2:47:37 PM

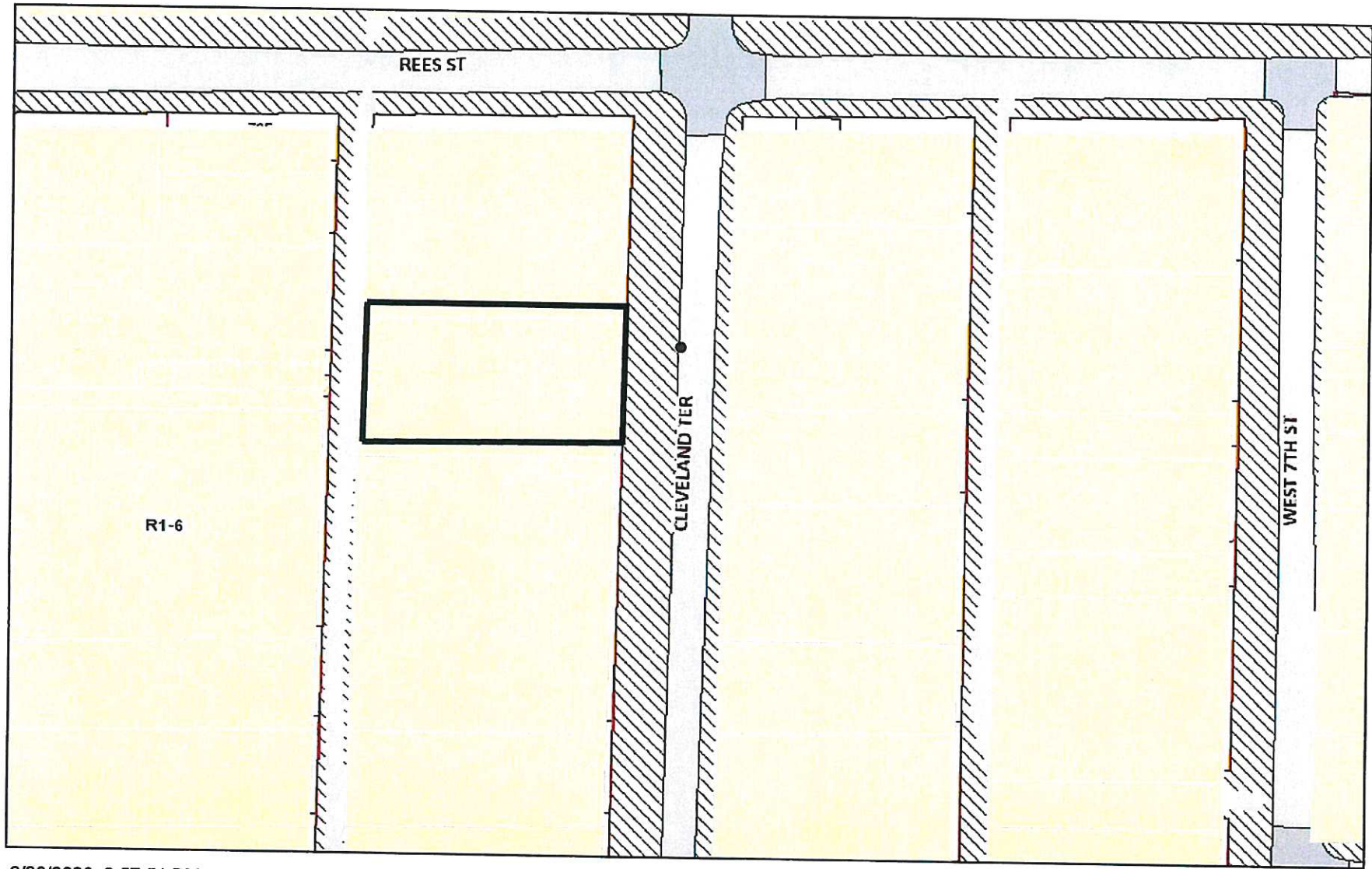
- Override 1
- Buildings
- Ortho 2018
- Blue: Band\_3
- Parcels (City Owned)
- Address (Points)
- Red: Band\_1
- Green: Band\_2
- Parcels\_Current
- East\_of\_River\_Blank
- Streets



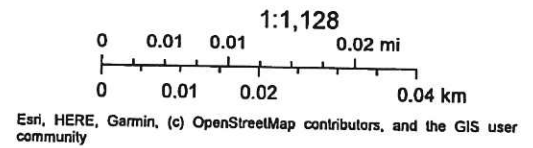
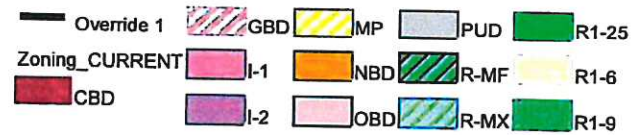
Web AppBuilder for ArcGIS



# 1906 Cleveland Terr



6/29/2020, 2:57:51 PM



Web AppBuilder for ArcGIS



**POLICY REPORT**  
**First Consideration Ordinance**  
**2020-16-SUP**  
**4320 Hughes Road**

**JULY 28, 2020**

**SUBJECT:**

Place on first consideration an ordinance to approve 2020-16-SUP



**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development



**Reviewed By:**  
Paul Kramer  
City Manager

**NATURE OF REQUEST**

Glen Klocke on behalf of Network Real Estate and the subject property owner, is requesting a Special Use Permit to allow a 196 foot tall monopole type communication tower and related ground equipment. The subject property is zoned R1-9, Medium Density Single Family District, and is occupied by the residential dwelling with an accessory structures.

The proposed 196' tower is commissioned by AT&T to serve customers in the Leavenworth area, with space available for 2 additional carriers to co-locate. The maximum height of a tower and antenna when two or more antennas are co-located by two or more companies on a single tower is 170'. The Development Regulations allow for the Planning Commission to grant an exception to the height requirement when the applicant demonstrates a public benefit to be achieved by a taller tower.

The proposal includes a 70' x 70' fenced area to enclose the tower and related ground equipment. Access will be provided by a paved 12' wide access drive coming off of Hughes Road. No signage is proposed except for safety and identification as required by the Federal Communications Commission. The 70' x 70' fenced enclosure will be screened with green privacy slates. Sufficient existing foliage exists around the site of the tower from adjoining properties.

The Development Regulations require that for each foot of tower height there shall be a minimum of 1.05 foot of setback from any property line. This would require a minimum 205.8' setback from all property lines for the proposed tower, which is provided.

**COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*A communication tower will provide numerous benefits to the economic development, welfare and convenience of the public through improved cellular communication capabilities.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not believe that the proposed communication tower will cause substantial injury to the value of other property in the neighborhood.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The location and size of the proposed communication tower are such that it will not dominate the neighborhood and prevent development and use of neighboring property. The proposed tower will be situated to maximize its' distance from and impact on any adjoining single family residences. The subject property is bordered by a creek to the west, with dense tree growth to the north and west of the subject communications tower, minimizing its' visibility from surrounding properties.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff received several inquiries regarding the application, and 5 members of the public spoke in opposition to the proposal during the Planning Commission hearing on July 13, 2020. The Planning Commission voted unanimously to recommend approval of the Special Use Permit, granting an exception to the height requirement up to a total height of 196'.

**ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a 196' communication tower and related ground equipment.
- Deny the Special Use Permit request to allow a communication tower and related ground equipment.

(Summary Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A 196' TALL COMMUNICATION TOWER AND RELATED GROUND EQUIPMENT A R1-9 ZONING DISTRICT LOCATED AT 4320 HUGHES ROAD IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 13<sup>th</sup> day of July, 2020 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 17<sup>th</sup> day of June 2020; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for 196' tall communication tower and related ground equipment in a R1-9 zoning district located at 4320 Hughes Road, Leavenworth, Kansas.

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That a special use permit shall be issued for a 196' tall communication tower and related ground equipment on the following described property:

That part of Block 1, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of Section 12; Township 9 South, Range 22 East of the 6th P.M.; Thence North 00° 03' West, 149.28 feet; Thence South 88° 52' 21" West 30 feet to the West right of way of Hughes Road and the point of beginning, said point being the Northeast corner of a tract of land conveyed to David M. Graham by deed recorded in Book 565, Page 180; Thence North 00° 03' 30" West, 180.40 feet along the West line of Hughes Road to the Northeast corner of Block 1; Thence South 88° 50' 30" West along the North line of Block 1, 391.12 feet; Thence South 00° 03' 31" East 165.00 feet to a point on the North line of Hessenflow Subdivision; Thence North 88° 52' 21" East along said North line 251.11 feet to the Northeast corner of Lot 6, Hessenflow Subdivision; Thence South 00° 03' 30" East along the East line of Lot 6, Hessenflow Subdivision, 15.72 feet to the Northwest corner of said Graham tract; Thence North 88° 52' 21" East along said North line of said Graham Tract, 140.00 feet to the point of beginning. AND That part of Block 1, in Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of Block 1, Pleasant Ridge Subdivision; Thence North 88° 50' 30" East

238.89 feet; Thence South 00° 03' 30" East 165.00 feet to the North line of Hessenflow Subdivision; Thence South 88° 52' 21" West along the North line of Hessenflow Subdivision, 238.89 feet to the West line of Block 1, Pleasant Ridge Subdivision; Thence North 00° 03' 31" West, 165.00 feet along said West line to the Northwest corner of said Block 1, Pleasant Ridge Subdivision the point of beginning. AND Tract A; That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning. Tract E: Block numbered Two (2), in Pleasant Ridge Subdivision of the Southwest Quarter of Section numbered Twelve (12), in Township numbered Nine (9), and Range numbered Twenty-two (22), according to the map or plat thereof on record in the Office of the Register of Deeds in and for said County. LESS the following described tract: Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. ALSO LESS the following described tract: Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.

**AND more commonly referred to as 4320 Hughes Road, Leavenworth, Kansas.** LEASE AREA DESCRIPTION: that part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows: Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner; thence northerly, on a Grid bearing of North 01° 47' 31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet; thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87° 07' 38" West, 420.78 feet, to the Point of Beginning for the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: westerly South 88° 12' 30" West, 70.00 feet; thence northerly North 01° 47' 30" West, 70.00 feet; thence easterly North 88° 12' 30" East, 70.00 feet; thence southerly South 01° 47' 30" East, 70.00 feet, to the Point of Beginning. Containing a total calculated area of 4,900 square feet or 0.112 acres, more or less.



**Section 2:** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Myron J. "Mike" Griswold

{Seal}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk



**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

Case No.: 2020-110 SUP  
 Application No. 7286  
 Fee (non-refundable) \$350.00  
 Filing Date 4-8-20  
 Received By Mariah 4/9/20  
 Publication Date 5-8-20  
 Hearing Date 6-1-20

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: 130' cell tower

in accordance with the attached site plan on the following described property:

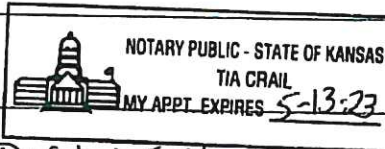
Address:	4320 Hughes Rd Leavenworth, KS 66048		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:	10112030005030000		
Zoning:	R1-9	Historic District:	N/A

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	David & Emily Yantz		
Owner Address:	4320 Hughes Rd. Leavenworth, KS 66048		
Contact No.	913.334.7496	Email:	dyantz8@gmail.com

Signature of Owner(s): David Yantz  
Emily Yantz

State of Kansas  
County of Leavenworth (SEAL)



Signed or attested before me on: 3-16-2020 By: David & Emily Yantz

Notary Public Tia Crail

My Appointment Expires: May 13, 2023

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee: see Attached letter (contact Glen Klocke 314-224-5410 glen.klocke@networkre.net)

Address:			
Contact No.		Email:	

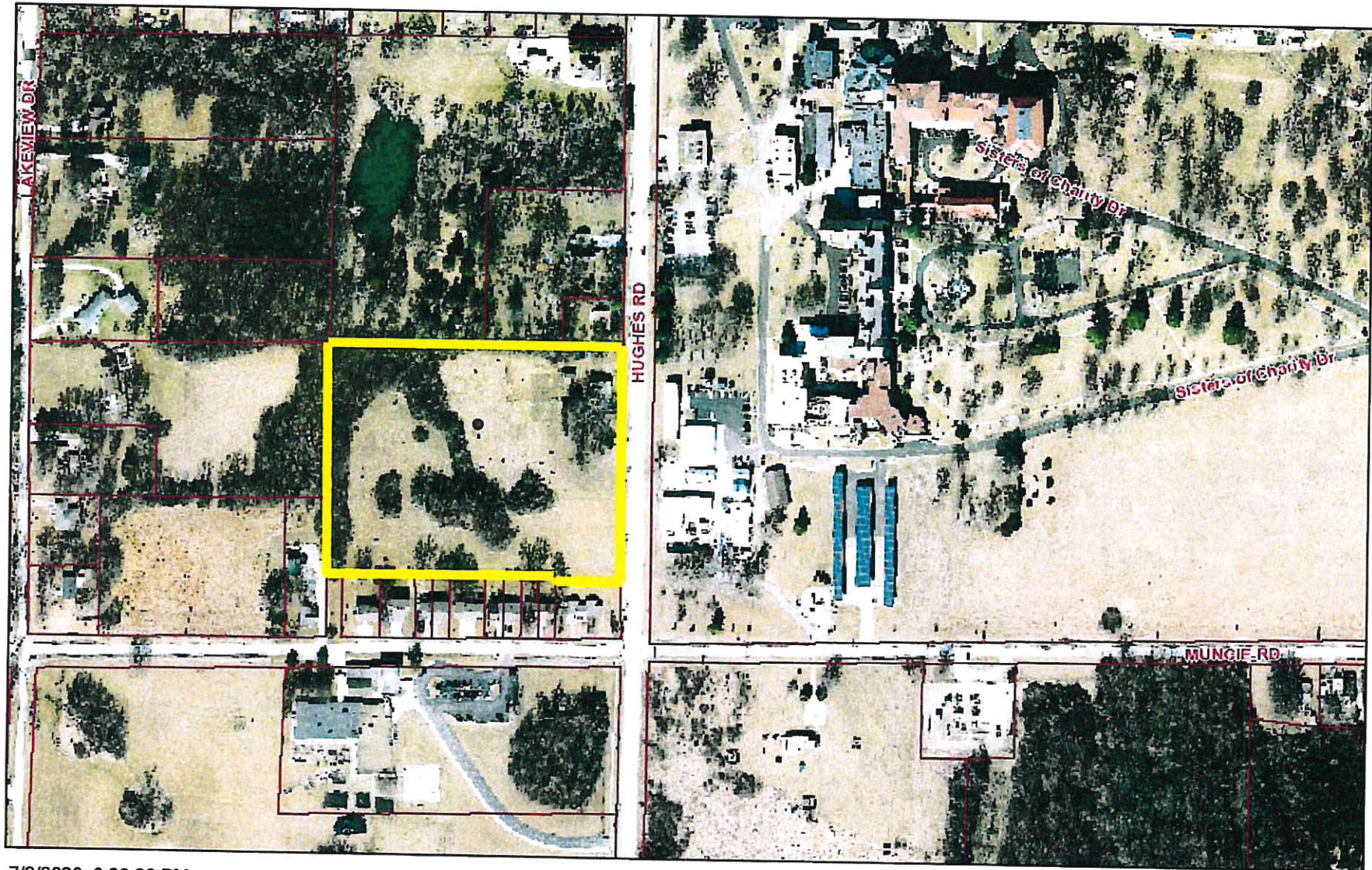
**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

- Non-Refundable Fee of \$350.00 is due at time of application
- City will provide list of owners for property within two hundred (200) feet of the subject property
- Attach **full** legal description (must be provided by the Register of Deeds Office)
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)

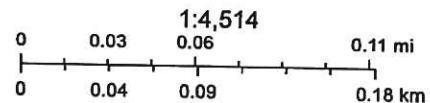


# 4320 S Hughes Rd



7/2/2020, 3:23:28 PM

- Override 1
- Ortho 2018
- Blue: Band\_3
- Lansing City Limits
- Parcels (City Owned)
- Red: Band\_1
- Green: Band\_2
- East\_of\_River\_Blank
- Ft Leavenworth Military Installation
- Parcels\_Current
- Leavenworth City Limits
- Streets

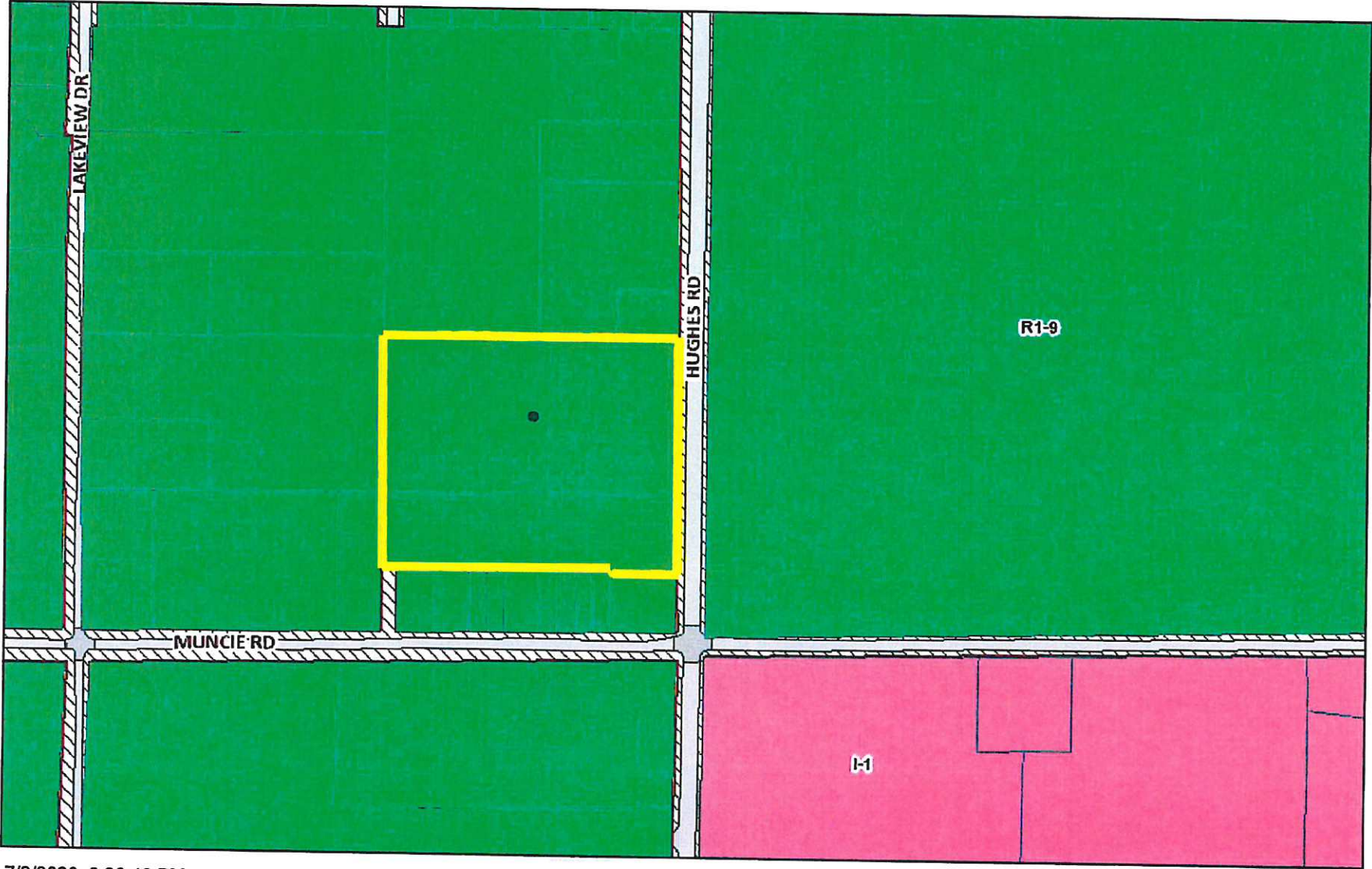


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

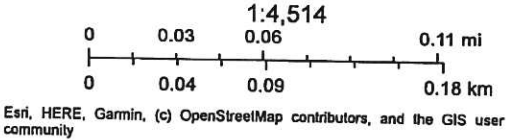
Web AppBuilder for ArcGIS



# 4320 S Hughes Rd



7/2/2020, 3:26:46 PM



Web AppBuilder for ArcGIS



**Jacquelyn Porter**

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**From:** Glen Klocke <glen.klocke@networkre.net>  
**Sent:** Thursday, July 9, 2020 11:05 AM  
**To:** Jacquelyn Porter  
**Subject:** FW: KS4999 Xavier: 4320 Hughes Road

*Jacquelyn,*

*Below is an email from the AT&T engineer responsible for this site explaining the 194' tower request.*

*Please let me know if you want this in any other format.*

*Thank you.*

*Also, can you tell me what time the meeting is on Monday?*

**Glen Klocke**  
**Network Real Estate, LLC**  
**5055 Hwy N Suite 200**  
**St. Charles, MO 63304**  
**Phone: (636) 922-3400**  
**Mobile: (314) 229-5410**  
**[glen.klocke@networkre.net](mailto:glen.klocke@networkre.net)**

**From:** SEWELL, DAVID M [mailto:DS165m@att.com]  
**Sent:** Thursday, July 09, 2020 9:26 AM  
**To:** Glen Klocke <glen.klocke@networkre.net>  
**Subject:** RE: KS4999 Xavier: 4320 Hughes Road

Hi Glen,

A 194' tower allows us to maximize the use of a tower in this location and to effectively offload traffic on the overloaded sector to the northwest. A shorter tower does not meet our objective of offloading the struggling sector. The extra 26 feet also improves signal strength and throughput speeds at the Dwight D. Eisenhower VA Medical Center and in neighborhoods to the west and southeast. We believe a 194 foot tower will give us a robust network footprint in Xavier, KS.

Thanks,

David Sewell  
AT&T Mobility  
RAN Design Engineer – MOKS Market  
Mobile: (314) 753-4018  
Office: (636) 402-7090

# Network Real Estate, LLC

---



**Glen Klocke**

Site Acquisition Specialist

office: (636) 922-3400

mobile: (314) 229-5410

fax: (636) 922-3409

[glen.klocke@networkre.net](mailto:glen.klocke@networkre.net)

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5055 Hwy N, Suite 200 • Cottleville, MO 63304



## Network Real Estate, LLC

5055 Hwy N, Suite 200

St. Charles, MO 63304

Office: (636) 922-3400

Fax: (636) 922-3409

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David & Emily Yantz

RE: 196' monopole AT&T Communication Tower

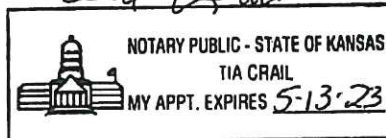
I David & Emily Yantz give Network Real Estate permission to submit a SUP application for a new AT&T 196' communication tower to be constructed on our property located at 4320 Hughes Rd. Leavenworth, KS 66048.

Property Owners:

David Yantz

Emily Yantz

Sincerely,



Glen Klocke  
Network Real Estate LLC  
5055 Hwy N Suite 200  
St. Charles, MO 63304  
314-229-5410  
glen.klocke@networkre.net





# Network Real Estate, LLC

5055 Hwy N, Suite 200 • St Charles, MO 63304  
Office: (817) 494-3909 Fax: (636) 922-3409

March 30, 2020

City of Leavenworth, KS  
Attn: Jacquelyn Porter  
100 N. 5<sup>th</sup>. St.  
Leavenworth, KS 66048

**RE: Application To the Board of Zoning Appeals / SUP for proposed AT&T Telecommunications Tower located at 4320 Hughes Rd. Leavenworth, KS 66048**

Mr. Porter,

AT&T is a participant in the FCC's Connect America Fund offering which was established by the United States to improve broadband services to rural and underserved communities. Participation in this program requires AT&T to cover over 1 million subscribers in such communities. One of AT&T's strategies to meet the government's objectives is to deploy a fixed-wireless technology, often referred to as "Wireless Local Loop" or "WLL", which targets homes where traditional, "buried cable" internet service is unreliable or nonexistent. AT&T is proposing a new telecommunications facility inclusive of a new 180' structure on the below referenced parcel which is designed to deploy this type of technology and assist AT&T in meeting the government's objectives. The new structure will be utilized by AT&T and potential future telecommunications carriers for collocation of antennas and related equipment. While the WLL technology is designed to serve specific household units, the proposed structure, however, will also be utilized to deploy typical wireless technologies which will serve all AT&T wireless users in the community.

**Project Description:**

*Parcel #:* 1011203005030000

*Property Address:* 4320 Hughes Rd. Leavenworth, KS 66048

*Property Owner:* David & Emily Yantz

*Applicant:* AT&T, c/o Network Real Estate, LLC

*Zoning District:* R1-9

*Adjacent Uses:* R-19

*Proposed Facility Description:* 196' monopole structure inside a 70' by 70' fenced compound for placement of communications equipment such as antennas, equipment shelters, and cabinets.

**Availability and Viability of Existing Structures**

AT&T gives priority and is financially incented to collocate on existing facilities or tall structures such as a water tank, building, or tower as these types of builds are more economically reasonable. AT&T's authorized representative searched the geographic area which would allow AT&T to meet their technical needs for existing structures and found there to be no structures available of the necessary height. Additionally, please find enclosed a letter from AT&T's engineering department explaining why and existing tower nearby could not be utilized.



**Compliance with Federal, State, and Local Regulations:**

As part of its FCC license as well as its lease with the property owner, AT&T is responsible to ensure compliance with all federal, state, and local rules and regulations to include the Federal Aviation Administration's regulations concerning construction of new structures and radio frequency emissions and the regulations of the State Historical Preservation Office. To that end, AT&T has made the necessary applications to confirm the proposed structure will have no adverse effects to the environment, including wilderness areas and preserves, endangered species habitats, historic places, and Indian cultural and religious sites, nor will it compromise the operations of the FAA or any activities within its jurisdiction.

The proposed facility is located within a R1-9 zoning district. AT&T has complied with the Cities of Leavenworth setback requirements to a 196' not exceeding one foot for every two (1) feet of the tower is set back from residential zoned property. The attached drawings shows this proposed location complies with the cities set back requirements. In addition the tower will be built to support a total of 3 wireless carriers, allowing for collocation.

1. Minimum setbacks from the right of way and secondary road

In accordance with of the City of Leavenworth, KS Zoning Regulations, we have enclosed in this package the Zoning application, Declaration of Representative, site plans and land survey, and submittal fees in the amount of \$350.00. Please consider this letter and the accompanying documents as AT&T's application for a Zoning Appeals Application / SUP.

If you have any questions, please feel free to contact me at 314.229.5410 or [glen.klocke@networkre.net](mailto:glen.klocke@networkre.net).

Regards,



Glen Klocke  
Network Real Estate, LLC, an authorized representative of AT&T  
[glen.klocke@networkre.net](mailto:glen.klocke@networkre.net)



**PARENT PARCEL DESCRIPTION:**

That part of Block 1, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of Section 12; Township 9 South, Range 22 East of the 6th P.M.; Thence North 00° 03' 30" West, 149.28 feet; Thence South 88° 52' 21" West 30 feet to the West right of way of Hughes- Road and the point of beginning, said point being the Northeast corner of a tract of land conveyed to David M. Graham by deed recorded in Book 565, Page 180; Thence North 00° 03' 30" West, 180.40 feet along the West line of Hughes Road to the Northeast corner of Block 1; Thence South 88° 50' 30" West along the North line of Block 1, 391.12 feet; Thence South 00° 03' 31" East 165.00 feet to a point on the North line of Hessenflow Subdivision; Thence North 88° 52' 21" East along said North line 251.11 feet to the Northeast corner of Lot 6, Hessenflow Subdivision; Thence South 00° 03' 30" East along the East line of Lot 6, Hessenflow Subdivision, 15.72 feet to the Northwest corner of said Graham tract; Thence North 88° 52' 21" East along said North line of said Graham Tract, 140.00 feet to the point of beginning.

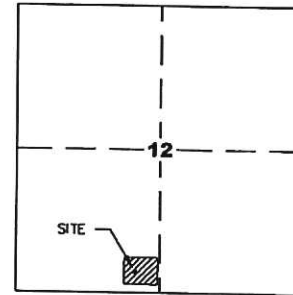
AND  
That part of Block 1, in Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of Block 1, Pleasant Ridge Subdivision, Thence North 88° 50' 30" East 238.89 feet; Thence South 00° 03' 30" East 165.00 feet to the North line of Hessenflow Subdivision; Thence South 88° 52' 21" West along the North line of Hessenflow Subdivision, 238.89 feet to the West line of Block 1, Pleasant Ridge Subdivision; Thence North 00° 03' 31" West, 165.00 feet along said West line to the Northwest corner of said Block 1, Pleasant Ridge Subdivision the point of beginning.

AND  
Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning.

Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.

Tract E: Block numbered Two (2), in Pleasant Ridge Subdivision of the Southwest Quarter of Section numbered Twelve (12), in Township numbered Nine (9), and Range numbered Twenty-two (22), according to the map or plat thereof on record in the Office of the Register of Deeds in and for said County. LESS the following described tract:

Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. ALSO LESS the following described tract: Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.



T. 9 S., R. 22 E  
**PARENT PARCEL DETAIL**



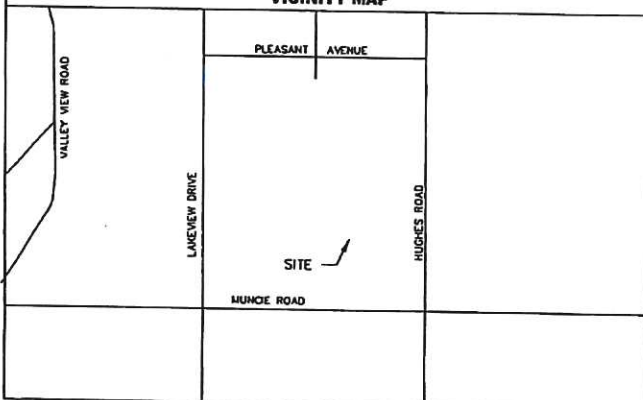
REV	DATE	DESCRIPTION	BY
1	05.25.19	PRELIMINARY	TM
2	06.11.19	REVISIONS / COMMENTS	PS
3	06.12.19	FINAL	PS

5932



SITE NAME	XAVIER KS
SITE NUMBER:	KS4999
SITE ADDRESS	4320 HUGHES RD., LEAVENWORTH, KS.
SHEET NAME	SITE PLAN
SHEET NUMBER	SS-1

**VICINITY MAP**



**SURVEYORS NOTES**

- 1.) Generally located in Kansas State Coordinate System, North Zone (NAD-83).
- 2.) Not a survey of the parent parcel shown, but to be used only for the purposes shown hereon.
- 3.) The Utility locations shown hereon were determined by observed above ground evidence only. The surveyor was provided with above ground markings to determine any subsurface locations, and makes no guarantee that the underground utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. This surveyor has not physically located the underground utilities.

Zoning: RESIDENTIAL

Flood Information:  
Property falls within a Zone "X" and is outside a 100 year flood plain area, as determined by FEMA Flood Rate Map No. 2010300143G, effective date 07/18/2015



**Surveyor's Certificate**

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Kansas, certify the above survey was executed by me, on the date shown. Distances shown are measured in feet and decimals of a foot.

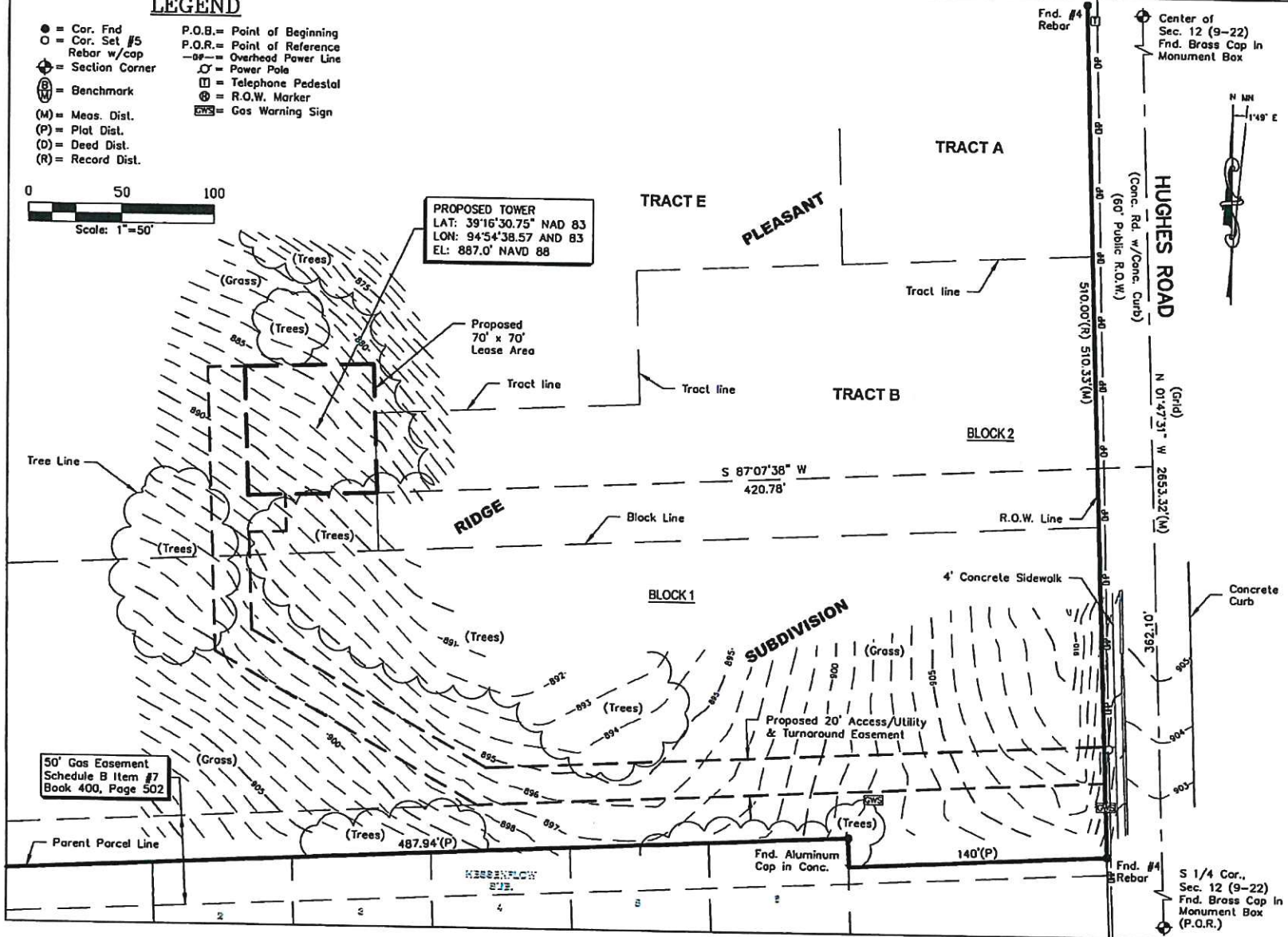
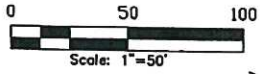
Signed this 13<sup>th</sup> day of June, 2019

*Jayme M. Malone*  
Jayme M. Malone



**LEGEND**

- = Cor. Fnd
- = Cor. Set #5
- ⬢ = Section Corner
- ⊕ = Benchmark
- (M) = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- P.O.B. = Point of Beginning
- P.O.R. = Point of Reference
- OP- = Overhead Power Line
- ⊙ = Power Pole
- ⊞ = Telephone Pedestal
- ⊕ = R.O.W. Marker
- ⊞ = Gas Warning Sign



**FULLERTON**  
 ENGINEERS & ARCHITECTS

1100 E. WOODFIELD ROAD, SUITE 500  
 SCHAMBERG, ILLINOIS 60173  
 TEL: 617-708-8400  
 www.FullertonEngineering.com

REV	DATE	DESCRIPTION	BY
1	05.28.19	PRELIMINARY	TH
2	08.11.19	REVISIONS / COMMENTS	PD
3	08.12.19	FINAL	PD



SITE NAME  
**XAVIER KS**

SITE NUMBER:  
**KS4999**

SITE ADDRESS  
**4320 HUGHES RD,  
 LEAVENWORTH, KS.**

SHEET NAME  
**SITE PLAN**

SHEET NUMBER  
**SS-2**



**LEASE AREA DESCRIPTION:**

That part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows:

Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner; thence northerly, on a Grid bearing of North 01°47'31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet; thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87°07'38" West, 420.78 feet, to the Point of Beginning for the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: westerly South 88°12'30" West, 70.00 feet; thence northerly North 01°47'30" West, 70.00 feet; thence easterly North 88°12'30" East, 70.00 feet; thence southerly South 01°47'30" East, 70.00 feet, to the Point of Beginning.

Containing a total calculated area of 4,900 square feet or 0.112 acres, more or less.

**ACCESS/UTILITY & TURNAROUND EASEMENT DESCRIPTION:**

An Access/Utility and Turnaround Easement located in that part of Block One, and that part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows:

Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner; thence northerly, on a Grid bearing of North 01°47'31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet; thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87°07'38" West, 420.78 feet, to the Southeast corner of the described Lease Area; thence following the South line of said Lease Area westerly South 88°12'30" West, 50.00 feet, to the Point of Beginning for the described Access/Utility and Turnaround easement, thence following the perimeter of the easement on the following bearings and distances: southerly South 01°47'30" East, 20.00 feet; thence westerly South 88°12'30" West, 20.00 feet; thence southerly South 01°47'30" East, 52.92 feet; thence southeasterly South 60°00'00" East, 147.34 feet; thence easterly North 87°07'38" East, 335.87 feet, to a point of intersection on the West right of way line of Hughes Road, thence following said West line southerly South 01°47'30" East, 20.00 feet; thence departing the West right of way line of Hughes Road, westerly South 87°07'38" West, 341.43 feet; thence northwesterly North 60°00'00" West, 164.34 feet; thence northerly North 01°47'30" West, 154.08 feet; thence easterly North 88°12'30" East, 20.00 feet, to the Northwest corner of the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: southerly South 01°47'30" East, 70.00 feet; thence easterly North 88°12'30" East, 20.00 feet, to the Point of Beginning.

Containing a total calculated area of 13,262 square feet, or 0.304 acres more or less.

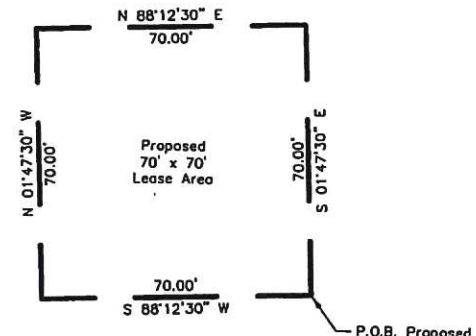


**at&t**  
12851 MANCHESTER ROAD  
ST. LOUIS, MO 63131

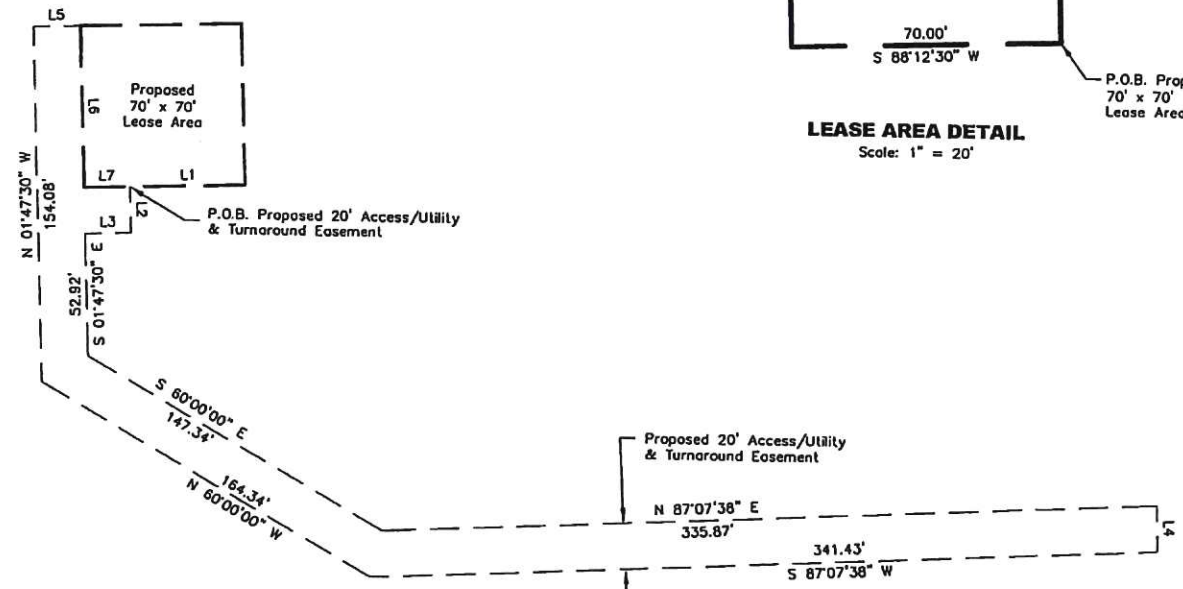
**Network**  
SOLUTIONS LLC  
5055 Hwy H, Suite 200  
St. Charles, MO 63304

**FULLERTON**  
1100 E. WOODFORD ROAD, SUITE 500  
SCHLAUBURG, ILLINOIS 60171  
TEL: 847-908-8400  
www.fullertonengineering.com

REV	DATE	DESCRIPTION	BY
1	05.29.18	PRELIMINARY	ML
2	06.11.18	REVISIONS / COMMENTS	PD
3	06.12.18	FINAL	PD



**LEASE AREA DETAIL**  
Scale: 1" = 20'



**ACCESS/UTILITY & TURNAROUND EASEMENT DETAIL**  
Scale: 1" = 50'

LINE	BEARING	DISTANCE
L1	S 88°12'30" W	50.00'
L2	S 01°47'30" E	20.00'
L3	S 88°12'30" W	20.00'
L4	S 01°47'30" E	20.00'
L5	N 88°12'30" E	20.00'
L6	S 01°47'30" E	70.00'
L7	N 88°12'30" E	20.00'

5932

**HUSKER SURVEYING**  
4535 Normal Blvd. Ste #101  
Lincoln, Ne 68508  
(402)423-3202  
(402)423-3211  
www.huskersurveying.com

SITE NAME  
**XAVIER KS**

SITE NUMBER:  
**KS4999**

SITE ADDRESS  
**4320 HUGHES RD.,  
LEAVENWORTH, KS.**

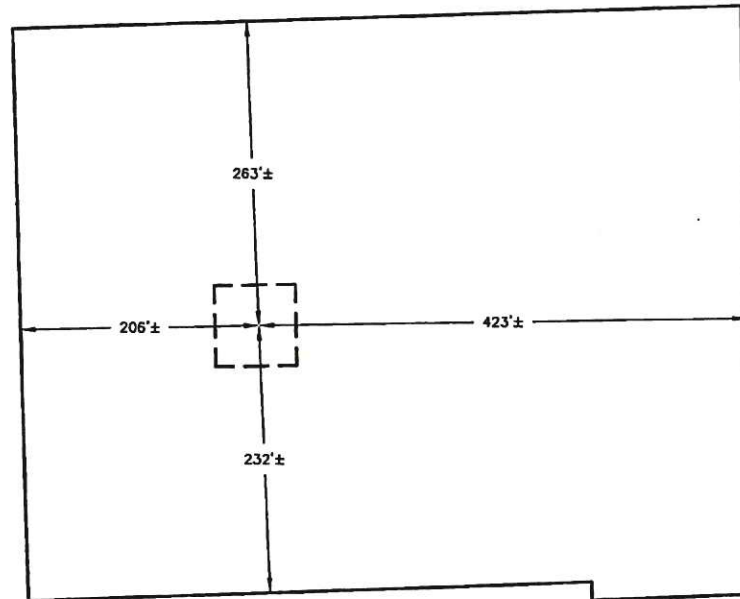
SHEET NAME  
**SITE PLAN**

SHEET NUMBER  
**SS-3**

**TITLE REPORT:**

Based on Report of Title provided by U.S. Title Solutions, File No. 63091-KS1904-5039, with an effective date of April, 10, 2019, the following are of survey matters:

7. Right of Way by Charles F. Pierce and Josephine O. Pierce, husband and wife to Cities Services Gas Company, its successors and assigns, dated 6/26/1959 recorded 7/6/1959 in book 400 page 502. Notes: Regarding Block 1; for informational purposes. Abuts on the South line of the proposed Access/Utility Easement and is shown hereon. Does not affect proposed Lease Area or Easement.



**TOWER DISTANCE DIAGRAM**  
(N.T.S.)

12851 MANCHESTER ROAD  
ST. LOUIS, MO 63131

5055 Hwy N, Suite 200  
St. Charles, MO 63004

**FULLERTON**  
ENGINEERS & SURVEYORS

1100 E. WOODFIELD ROAD, SUITE 500  
SCHAMPAUNG, ILLINOIS 60173  
TEL: 617-958-8100  
www.FullertonEngineering.com

REV	DATE	DESCRIPTION	BY
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2	08.11.18	REVISED / COMMENTS	PG
3	08.12.18	FINAL	PG

5932

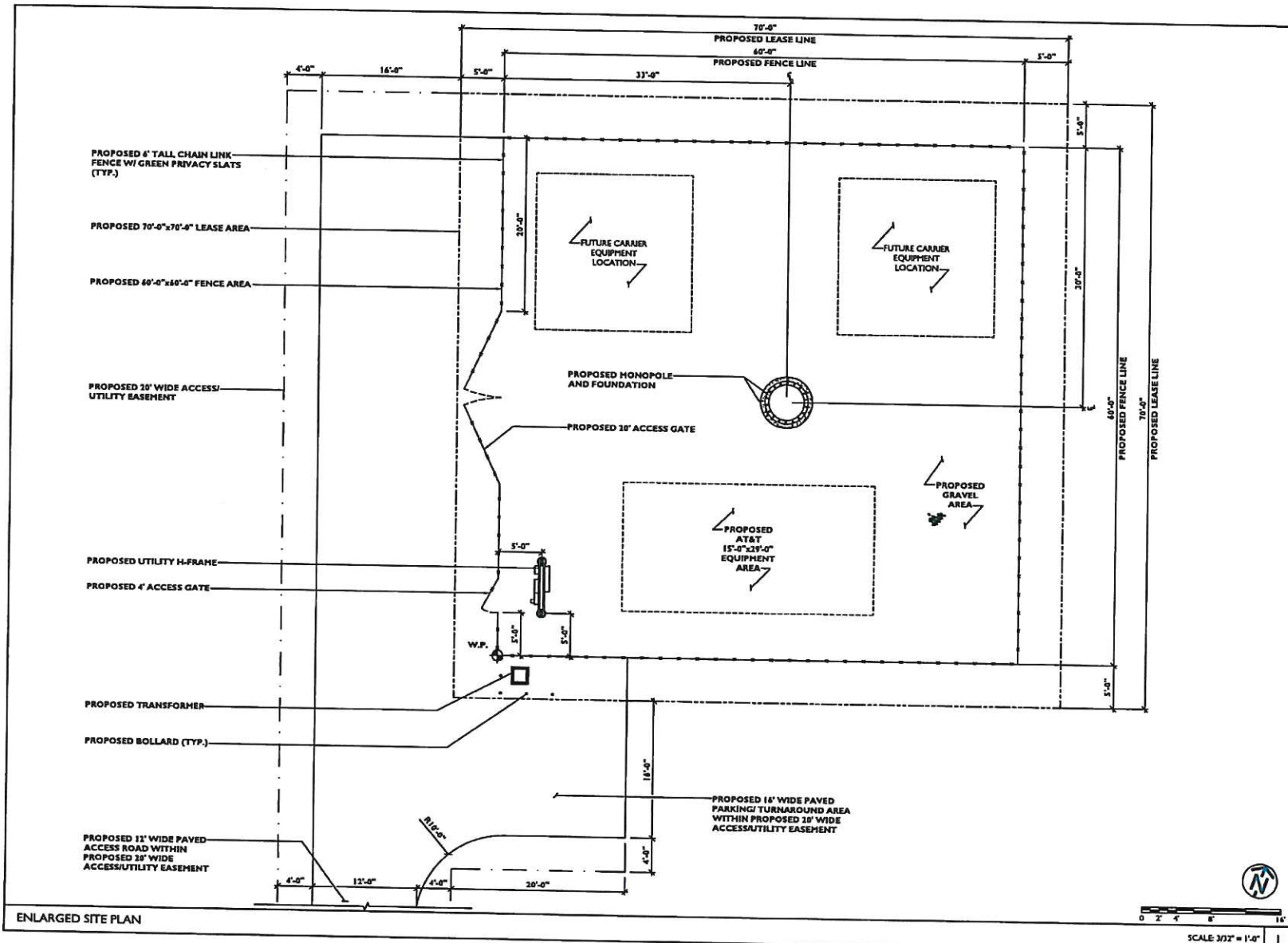
**HUSKER SURVEYING**

4335 Horned Blvd. Ste #101  
Lincoln, Ne 68506  
(402)423-5202  
(402)423-5211  
www.huskersurveying.com

SITE NAME	XAVIER KS
SITE NUMBER:	KS4999
SITE ADDRESS	4320 HUGHES RD., LEAVENWORTH, KS.
SHEET NAME	SITE PLAN
SHEET NUMBER	SS-4







**at&t**  
13851 MANCHESTER ROAD  
ST. LOUIS, MO 63131

**Network**  
1001 ESTABLISH LLC  
5855 Hwy N, Suite 200  
St. Charles, MO 63304

**FULLERTON**  
ENGINEERING DESIGN  
1100 E. WOODFIELD ROAD, SUITE 500  
SCHALLERBURG, ILLINOIS 60173  
TEL: 817-908-8400  
COMM E-1919  
www.FullertonEngineering.com

#	DATE	DESCRIPTION	INT.
A	9/12/19	PRELIM. ZONING	P/W
0	1/21/20	FINAL	P/W



SITE NAME  
**XAVIER KS**

SITE NO.  
**KS4999**

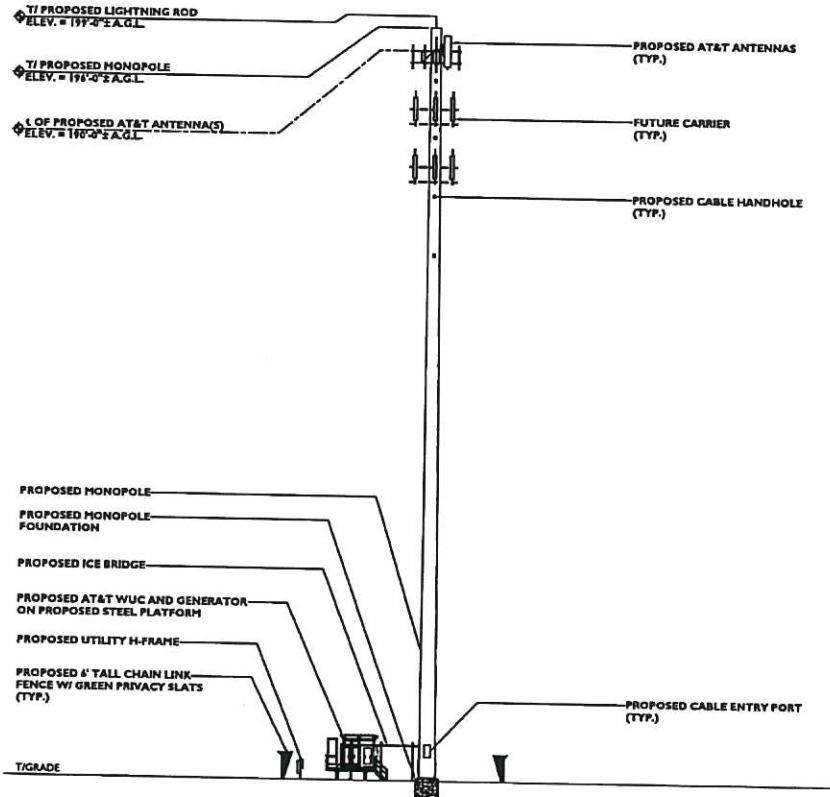
SITE ADDRESS  
**4320 HUGHES ROAD  
LEAVENWORTH, KS 66018**

SHEET NAME  
**ENLARGED  
SITE PLAN**

SHEET NUMBER  
**Z-2**

PROJECT# 2019.0163.0026





TOWER ELEVATION



**FULLERTON**  
ENGINEERING DESIGN

1100 E. WOODFIELD ROAD, SUITE 500  
SCHALMERSBURG, MISSOURI 63117  
TEL: 647-908-8400  
COAX E-1979  
www.FullertonEngineering.com

#	DATE	DESCRIPTION	INT.
A	9/12/19	PRELIM. ZONING	JW
B	1/31/20	FINAL	JW



SITE NAME	XAVIER KS
SITE NO.	KS4999
SITE ADDRESS	4320 HUGHES ROAD LEAVENWORTH, KS 66018
SHEET NAME	TOWER ELEVATION
SHEET NUMBER	Z-3

PROJECT# 2019.0163.0026

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
RELATED TO THE CORONAVIRUS RELIEF FUNDING**

**JULY 28, 2020**

  
Carla K. Williamson, CMC, City Clerk

  
Paul Kramer, City Manager

**ISSUE:** Consider an ordinance to be placed on first consideration related to the Coronavirus Relief Fund.

**BACKGROUND:** On June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce’s proposal to distribute money to Leavenworth County to help address the health and economic challenges inflicted by COVID-19 based on Leavenworth County’s population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce. To ensure that all educational and municipal entities within counties receive Coronavirus Relief Funds to meet their respective health and economic challenges, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share Coronavirus Relief Funds with public educational and municipal entities within their counties.

The state of Kansas released \$19,204,954.00 to Leavenworth County upon the approval and submission of a Resolution allowing them to accept the funding. The County based the share of the funds on state guidance and approval by the Board of County Commissioners. Municipalities within the Leavenworth County were allocated funds based on population. \$6,757,039 has been allocated to the City of Leavenworth.

The City must submit a spending plan to the County and adopt the attached ordinance prior to receiving any funding.

**ACTION:** Consensus by the Governing Body to place on first consideration.

**ATTACHMENTS:** Draft Ordinance

*(Publish in the Leavenworth Times on \_\_\_\_\_ 2020)*

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH KANSAS  
RELATED TO THE CORONAVIRUS RELIEF FUND**

**WHEREAS**, securing the health, safety, and economic well-being of our residents is this City of Leavenworth’s top priority; and

**WHEREAS**, the City of Leavenworth is facing both a public health and economic crisis—the pandemic and public health emergency of COVID-19—which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens; and

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

**WHEREAS**, as of this date, in Leavenworth County there have been 1,285 reported positive cases of COVID-19, including seven (7) deaths with a likely second wave of COVID-19 cases expected in the Fall; and

**WHEREAS**, the City of Leavenworth must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the City of Leavenworth, the has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to provide immediate financial relief and long-term economic investment in the City of Leavenworth; and

**WHEREAS**, in these challenging times, the City of Leavenworth will do whatever it can to avoid immediate dangers to the health, safety, and welfare of our constituents and prepare for future waves of COVID-19; and

**WHEREAS**, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce’s proposal to distribute money to Leavenworth County to help address the health and economic challenges inflicted by COVID-

19 based on Leavenworth County’s population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce; and

**WHEREAS**, to ensure that all educational and municipal entities within counties receive Coronavirus Relief Funds to meet their respective health and economic challenges, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share Coronavirus Relief Funds with public educational and municipal entities within their counties; and

**WHEREAS**, Leavenworth County adopted a Resolution to accept and distribute funds to cities within Leavenworth County.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:** pursuant to the authority vested in the City Commission of the City of Leavenworth, including the authority granted to this body by constitutional home rule in order to begin the process of safely, strategically, and proactively providing the resources the city needs to both mitigating the spread of COVID-19 and invest in long-term economic recovery, the Leavenworth City Commission accepts any funds appropriated to the City of Leavenworth by the State of Kansas through the State’s Coronavirus Relief Fund and distributed by Leavenworth County pursuant to the following terms designed to ensure the lawful use of funds and transparency, equity, and accountability:

1. Section 5001 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, as codified in 42 U.S.C. § 801, provides the eligible purposes for which Coronavirus Relief Fund (“CRF”) payments may be used. Under 42 U.S.C. § 801(d) funds may be used for:
  - a. necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
  - b. not accounted for in the budget most recently approved for the county as of March 27, 2020; and
  - c. incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
2. The following are examples of public health expenditures allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
  - COVID-19 related expenses of public hospitals or clinics
  - COVID-19 testing and quarantine costs
  - Payroll of employees substantially dedicated to COVID-19 mitigation or response
  - Expenses for establishing and operating public telemedicine capabilities
  - Technological improvements to facilitate distance learning
  - Improving telework capabilities
  - Grants to small businesses to reimburse the costs of business interruption caused by required closures
  - Government payroll support program
  - Unemployment insurance costs related to COVID-19



3. The following are examples of public health expenditures NOT allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
  - Damages covered by insurance
  - Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
  - Expenses that will be reimbursed under any federal program
  - Reimbursement to donors for donating items or services
  - Workforce bonuses other than hazard pay or overtime
  - Severance pay
  - Legal settlements
4. Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020, “Coronavirus Relief Fund payments may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts.”
5. To ensure effective and timely oversight of local spending, the City of Leavenworth will comply with reporting requirements established by Leavenworth County.
6. To ensure transparency and accountability in the deliberation, expenditure, and oversight processes associated with CRF funds, the City of Leavenworth, will comply with all requirements of the Kansas Open Meetings Act.
7. The COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities for African-American, Latino, and other racial minority populations in the United States. Accordingly, the City of Leavenworth will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.
8. As provided in 42 U.S.C. § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as a debt owed by the implementing government to Treasury. This resolution signifies that, upon approval, the City of Leavenworth agrees to cooperate with any audits or inquiries by the Department of the Treasury concerning CRF funds and agrees to pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.
9. The City of Leavenworth understands that the United States Department of the Treasury or the Governor’s Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds.
10. The City of Leavenworth understands and agrees that any unspent funds must be returned to the State for recoupment. The City of Leavenworth understands that Leavenworth

County must return all unspent funds no later than December 30, 2020, and will make any unspent funds available for return prior to December 30, 2020. All reconciliation documents submitted to the SPARK Taskforce will be made publicly available by the Governor's Office of Recovery, including supporting documentation submitted by the City of Leavenworth to Leavenworth County.

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_ 2020.

---

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

---

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR  
UNPAID 2018 MANUAL STORMWATER SERVICE FEES**

**JULY 28, 2020**

  
Carla K. Williamson, CMC, City Clerk

  
Paul Kramer, City Manager

**ISSUE:** Consider an ordinance levying special assessments for collecting unpaid 2018 manual stormwater service fees.

**BACKGROUND:** On June 12, 2018, the City Commission approved a Stormwater Utility ordinance that included the authority to establish and collect Stormwater Management Service Fees. Fees for the properties were provided to the Leavenworth County Clerk for collection as a management service fee to be collected on the county ad valorem property tax statement.

After the deadline to provide information to the County Clerk, it was discovered that 201 properties were inadvertently left off the list of fees. Those properties were billed separately and directly to the property owners by the City of Leavenworth.

The direct bills were mailed to property owners on January 30, 2019. Property owners were given the option of making two payments; one-half due by March 15, 2019 and the second or balance due by September 16, 2019.

The final payment date of September 16, 2019 did not allow enough time to pass an ordinance to assess the unpaid fees to the 2019 ad valorem property tax statement. The City has continued to accept payment for these fees.

At this time an ordinance is presented to levy special assessments for collecting unpaid 2018 manual stormwater service fees through the 2020 ad valorem property tax statements.

**ACTION:** Consensus by the Governing Body to place on first consideration.

**ATTACHMENTS:** Draft Ordinance

(Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF COLLECTING THE UNPAID BALANCE OF 2018 MANUAL STORMWATER SERVICE FEES.**

**WHEREAS**, The Governing Body of the City of Leavenworth did approve a Stormwater Management Program whereby Section 103-07 of the City of Leavenworth Code of Ordinances provides for the collection of Stormwater Management Service fees; and

**WHEREAS**, the collection of the aforementioned Stormwater Management Service fees were first collected in 2018 through the county's annual ad valorem property tax statement; and

**WHEREAS**, 201 properties were inadvertently left off the list of fees provided to the county for inclusion on the 2018 annual advalorem property tax statement. Those properties were billed separately and directly to the property owners by the City of Leavenworth; and

**WHEREAS**, the lots of land hereinafter set forth remain unpaid and are legally liable to pay the stormwater management fee provided by the Code of the City of Leavenworth, Kansas; and

**WHEREAS**, the fees of such lots of land has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That for the purpose of paying the 2018 Stormwater Management Service Fee in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against the lots of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out in **Attachemnt A**.

**Section 2.** Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.



**PASSED and APPROVED** by the Governing Body on this \_\_\_\_\_ day of August 2020.

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson CMC, City Clerk

Ordinance No. \_\_\_\_\_

# ATTACHMENT A

Ordinance No. \_\_\_\_\_

CAMA	Owner	Property Address: Leavenworth KS 66048	Total Fee
105-15-0-00-00-099.00-0	DIETSCH, MARTHA R; TRUST	2108 BIRCH ST	\$42.00
077-26-0-13-04-006.00-0	HEIKE, BRUCE KELLY & RUFFLER, SANDY K	913 METROPOLITAN AVE	\$84.00
077-26-0-14-04-002.00-0	NARRAMORE, RALPH	707 CHEYENNE ST	\$84.00
077-26-0-14-09-003.00-0	LEWIS, REDIE	705 PAWNEE ST	\$84.00
077-26-0-14-09-022.00-0	BRANTLEY, STEVEN A	901 N 7TH ST	\$84.00
077-26-0-30-10-002.00-0	RANDOLPH, CHRISTOPHER R & LESA	1308 OTTAWA ST	\$84.00
077-26-0-31-03-005.00-0	NANNEN, STEVEN F	714 N 11TH ST	\$84.00
077-26-0-34-03-009.00-0	SMITH, RICKY L & CONLEY, LINDA S	1033 OSAGE ST	\$84.00
077-26-0-41-01-002.01-0	SHAUL, FRANKLIN LOUIS	708 IOWA ST	\$84.00
077-26-0-41-05-005.00-0	BANKERS TRUST CO OF CA	627 KICKAPOO ST	\$84.00
077-26-0-41-05-007.00-0	LONG, FLORANNE	630 OTTAWA ST	\$84.00
077-26-0-41-07-029.00-0	DODGE, CHARLES K JR & JESSICA R	517 N 7TH ST	\$84.00
077-26-0-41-10-028.00-0	PATTERSON, JAMES L	704 OSAGE ST	\$84.00
077-26-0-42-08-004.00-0	REHBERG, JOHN R	815 KICKAPOO ST, APT #1	\$84.00
077-35-0-10-01-003.00-0	WEST, ROBERT L SR & ROBERTA L	765 SHAWNEE ST	\$84.00
077-35-0-10-02-004.00-0	PATTERSON, JAMES L SR & FRANCES L	793 SHAWNEE ST	\$84.00
077-35-0-20-05-006.01-0	HOFFMAN, CHRISTOPHER A	1326 DELAWARE ST	\$84.00
077-35-0-30-17-005.00-0	REED, JENNIFER A	1316 QUINCY ST	\$84.00
077-36-0-20-10-004.00-0	HALT INC	409 S 7TH ST	\$84.00
077-36-0-20-36-007.00-0	ABBOTT, WILLIAM P	711 S 5TH ST	\$84.00
077-36-0-20-37-013.00-0	MOXLEY, SUNG I & WILLIAM H	712 S 5TH ST	\$84.00
077-36-0-20-37-011.00-0	BRENNEMAN, NORMA JEAN	506 OLIVE ST	\$84.00
077-36-0-40-06-006.00-0	FERGUSON, ROBERT S	1317 S 2ND ST	\$84.00
077-36-0-40-07-002.00-0	MC BROOM, DEBORAH	1400 S ESPLANADE ST	\$84.00
101-01-0-20-01-026.00-0	NELSON, GARY A & TONIA L	1708 S 4TH ST	\$84.00
101-01-0-40-10-001.00-0	NELSON, GARY A	2604 S 4TH ST	\$84.00
101-01-0-40-10-014.00-0	NELSON, GARY A	2606 S 4TH ST	\$84.00
101-01-0-40-10-013.00-0	EAGLE, ROGER D JR	2608 S 4TH ST	\$84.00
101-01-0-40-10-012.00-0	ALTON, JARED S	2612 S 4TH ST	\$84.00
101-01-0-40-10-011.00-0	WOODRUFF, HEATHER ALYCE	2616 S 4TH ST	\$84.00
101-01-0-40-04-045.00-0	CHRIS URBAN RENTALS INC	311 VILAS ST	\$84.00
101-01-0-40-04-054.00-0	COLE, O CHESTER & STACEY L	208 LOGAN AVE	\$84.00
101-01-0-40-17-002.00-0	BARKER, BETTY LEE & TRUE, GEORGE WILLIAM	207 LOGAN AVE	\$84.00
101-02-0-40-03-005.00-0	STEPP, KENNETH L & MADELINE	768 MARION ST	\$84.00
101-02-0-40-17-011.00-0	HARRIS, ROBERT J & AUDREY A	774 LIMIT ST	\$84.00
101-12-0-20-02-008.00-0	COVINGTON, HENRY E & MARY A	522 UTAH ST8	\$84.00
106-13-0-10-01-009.00-0	TIPPITT, MICHELLE M	433 MUNCIE RD	\$84.00

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106-13-0-10-01-010.00-0	PATRICIA MARIE DAVIS TRUST	437 MUNCIE RD	\$84.00
106-13-0-10-01-011.00-0	ROSSON, EVA	441 MUNCIE RD	\$84.00
106-13-0-10-01-012.00-0	SMART, LAWRENCE H JR	445 MUNCIE RD	\$84.00
106-13-0-10-01-022.00-0	NORBERTO, APRIL D	428 MUNCIE TER	\$84.00
102-09-0-00-00-019.01-0	PAXTON, BRIAN K & KIMBERLY D	27622 TONGANOXIE DR	\$84.00
106-13-0-10-01-015.00-0	POTTER, HOWARD N	457 MUNCIE RD	\$84.00
105-15-0-00-00-111.00-0	ALLEN, CHRISTOPHER THOMAS & JENNIFER M	2152 BIRCH ST	\$84.00
077-35-0-10-33-001.00-0	PALMER, KASSONDRA	801 S 9TH ST	\$84.00
102-10-0-00-00-032.00-0	RAMOS, RAYMOND & STACY LYNETTE	2139 SHENANDOAH DR	\$84.00
077-25-0-33-06-010.00-0	JACKSON, MARY W	308 SENECA ST	\$162.50
077-26-0-14-05-008.00-0	PROCTOR, AREE	1000 N 7TH ST	\$162.50
077-26-0-43-08-007.00-0	FOSTER, MARK	829 MIAMI ST	\$168.00
077-36-0-20-43-011.00-0	THOMAS, NICOLE R; TRUST	512 SPRUCE ST	\$168.00
077-36-0-40-09-010.00-0	FRUECHTING DREI LLC	1408 S 2ND ST	\$168.00
077-25-0-32-04-015.00-0	EUBANK, LARY M	603 N 5TH ST	\$337.50
077-35-0-10-23-007.00-0	TREXLER, RONALD J & KATHLEEN G	00000 OLIVE ST	\$337.50
077-36-0-20-12-014.00-0	JB MC KEE PROPERTIES LLC	520 S 4TH ST	\$504.00
101-01-0-20-06-005.00-0	BROOM, RUSSELL O	1540 5TH AVE	\$512.00
		<b>Total:</b>	<b>\$6,342.00</b>

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR DEMOLITION COSTS  
JULY 28, 2020**

  
Carla K. Williamson, CMC City Clerk

  
Paul Kramer, City Manager

**ISSUE:** Consider an ordinance levying special assessments for the City's cost to demolish certain structures.

**BACKGROUND:** The below listed properties were approved by the City Commission for demolition. Chapter 10, Article VIII of our Code of Ordinances provides the tools for city staff to demolish structures. This ordinance also provides for the collection of costs incurred by the City as indicated below:

Property Owner	Street Address	Legal Address	Demolition Costs
Tyler, Sheila Darlene; Brown, Ralph & Margie	603 Rees St	Lots 1 & 2, Block 18, Rees, Doniphan and Thornton Addition to the City of Leavenworth, together with that portion of the vacated alley accruing thereto, in Leavenworth County, Kansas	\$6,954.01
Nelson, Gary A & Tonia L	1708 S 4 <sup>th</sup> St	The North ½ of Lot 38, LESS the South 5 feet thereof, and all of Lots 39, 40, 41, 42, 43, 44, 45 and 46, Block 2, Flesher's Riverview Subdivision, City of Leavenworth, Leavenworth County, Kansas	\$9,215.00
Rich, Shari A	1916 Montezuma	Lots 25 and 26, Block 1, Fenns Broadway Subdivision, City of Leavenworth, Leavenworth County, Kansas	\$9,150.00
Russell, William & Kristina	1214 Pottawatomic	Lot 12, Herrig's Subdivision, of Block 89, Central Subdivision, in the City of Leavenworth, Leavenworth County, Kansas	\$7,050.00
		Total	\$32,369.01

The ordinance presented provides for the assessment of demolition costs. The owners of the properties have been billed for the charges with notification also mailed to lending institutions if applicable. Liens have been placed on all properties for the amount of demolition costs.

**ACTION:** Consensus by the Governing Body to place on first consideration.

**ATTACHMENTS:** Draft Ordinance



(Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.**

**WHEREAS**, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain unsafe structures have been abated, and

**WHEREAS**, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas, and

**WHEREAS**, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That for the purpose of paying the costs to demolish unsafe structures in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against certain lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

<b>Property Owner</b>	<b>Street Address</b>	<b>Legal Address</b>	<b>Demolition Costs</b>
Tyler, Sheila Darlene; Brown, Ralph & Margie	603 Rees St	Lots 1 & 2, Block 18, Rees, Doniphan and Thornton Addition to the City of Leavenworth, together with that portion of the vacated alley accruing thereto, in Leavenworth County, Kansas	<b>\$6,954.01</b>
Nelson, Gary A & Tonia L	1708 S 4 <sup>th</sup> St	The North ½ of Lot 38, LESS the South 5 feet thereof, and all of Lots 39, 40, 41, 42, 43, 44, 45 and 46, Block 2, Flesher's Riverview Subdivision, City of Leavenworth, Leavenworth County, Kansas	<b>\$9,215.00</b>
Rich, Shari A	1916 Montezuma	Lots 25 and 26, Block 1, Fenns Broadway Subdivision, City of Leavenworth, Leavenworth County, Kansas	<b>\$9,150.00</b>
Russell, William & Kristina	1214 Pottawatomie	Lot 12, Herrig's Subdivision, of Block 89, Central Subdivision, in the City of Leavenworth, Leavenworth County, Kansas	<b>\$7,050.00</b>
		<b>Total</b>	<b>\$32,369.01</b>

**Section 2.** Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this \_\_\_\_ day of \_\_\_\_\_2020.

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson CMC, City Clerk

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
ORDINANCE TO LEVY SPECIAL ASSESSMENTS  
FOR NUISANCE ABATEMENT COSTS  
JULY 28, 2020**

  
\_\_\_\_\_  
Carla K. Williamson, CMC City Clerk

  
\_\_\_\_\_  
Paul Kramer, City Manager

**ISSUE:**

Consider an ordinance to levy special assessments for the City's lot clearing costs and administrative fees.

**BACKGROUND:**

Chapter 28, Article I of our Code of Ordinances provides the tools for City staff to cut vegetation and weeds; it also provides for the collection of costs incurred by the City.

The ordinance presented provides for the assessment of such costs. The owners of the properties listed on Exhibit "A" Consolidated List beginning July 1, 2019 through July 13, 2020 have been billed for the charges and are given 30 days in which to compensate the City. In many cases, more than one mowing was required.

**ACTION:**

Consensus by the Governing Body to place on first consideration.

**ATTACHMENTS:**

Draft Ordinance

(Published in the Leavenworth Times on \_\_\_\_\_, 2020)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.**

**WHEREAS**, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain nuisances have been abated, and

**WHEREAS**, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas, and

**WHEREAS**, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That for the purpose of paying the costs of abatement of nuisances in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against several lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

**ATTACHED GRASS AND WEEDS NUISANCE ASSESSMENTS – EXHIBIT A**

**Section 2.** Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

**Section 3.** This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Myron J. “Mike” Griswold, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson CMC, City Clerk



Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
ALSPAUGH, JAMES D	109 ALLEN STREET	0782704011028000	ALLEN & STREET'S ADDITION, BLOCK 1, PT BLK 1;BEG 167'N OF SE COR BLK 1,W185'(S),N96',E181.5', S96' TO POB (SCALED)	\$163.59
PATTERSON, JAMES L JR & JAMI R	1063 CENTRAL AVENUE	0773504009004000	BENZ'S SUBDIVISION, BLOCK 2, Lot 10	\$115.00
STANDIFER, BIANCIA	222 DAKOTA STREET	0772502008006000	BRIDGEPORT SUBDIVISION, S25, T08, R22E, BLOCK 2, Lot 18	\$975.02
ZIELINSKI, DANIEL R & PAMELA A	513 BUTTINGER PLACE	1010102028002000	BUETTINGERS PLACE, BLOCK 1, Lot 33 - 34	\$525.00
MONROE, DANIEL R	524 BUTTINGER PLACE	1010102029017000	BUETTINGERS PLACE, S01, T09, R22E, BLOCK 1, Lot 50 - 51	\$126.52
H&P DEVELOPMENT LLC	2101 2ND AVENUE	1010103002004000	BYINGTONS SUB, N145' BLK 5 EXC E180' BYINGTONS SUB & N145' BLK 16 JOHNSONS SUB (SCALED)	\$1,375.00
DENNEY, SHIRLEY G	620 LAWRENCE AVENUE	0773501024005000	CENTRAL SUBDIVISION, BLOCK 11, Lot 1 - 4, (SCALED)	\$1,100.00
WESLEY, MONTARIAL A & LAKISHA	213 SOUTH 10TH STREET	0773502010005000	CENTRAL SUBDIVISION, BLOCK 15, Lot 26	\$2,947.44
HENRY, DEBORAH A	911 CHEROKEE STREET	0773501015002000	CENTRAL SUBDIVISION, BLOCK 16, Lot 25 - 27	\$1,106.28
DUCKWORTH, HARLAN J & HOOTEN, SHARLEE S	1002 CHEROKEE STREET	0773502009016000	CENTRAL SUBDIVISION, BLOCK 26, E38'LTS 1-4	\$1,269.21
H&P DEVELOPMENT LLC	1131 METROPOLITAN AVENUE	0772602004009000	CENTRAL SUBDIVISION, BLOCK 35, Lot 14 - 18, (SCALED)	\$1,058.16
TJ FUTURES LLC	1217 CHEROKEE STREET	0773502016003000	CENTRAL SUBDIVISION, BLOCK 39, E60'OF W169'OF N140'BLK 39	\$130.43
RUEBHAUSEN, DOUGLAS P & DE ANNE S	201 SOUTH 13TH STREET	0773502007007000	CENTRAL SUBDIVISION, BLOCK 40, LTS 20 & 21 & N27'LT 22	\$137.87
RAMNARINE, RAPHAEL HOME SFR BORROWER III LLC	1523 CHOCTAW STREET 1310 OSAGE STREET	0783401017005010 0772603018008000	CENTRAL SUBDIVISION, BLOCK 58, Lot 18 - 21 CENTRAL SUBDIVISION, BLOCK 81, Lot 30 - 31	\$317.40 \$125.00
LIGHTFOOT, DAVID V & SANDRA L	415 NORTH 13TH STREET	0772603018001000	CENTRAL SUBDIVISION, BLOCK 81, Lot 6 - 9	\$125.00
NEXIA HOLDINGS, INC	431 NORTH 12TH STREET	0772603016001000	CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 88, TR BLK 88 CENTRAL SUB; BEG INTER POTTAWATOMIE ST & 12TH ST; S27', W115', NWLY37.3', E143' TO POB & ABAN RR ROW ADJ	\$1,996.12
KIM, WON I	610 LAWRENCE AVENUE	0773501024006000	CENTRAL SUBDIVISION, S35, T08, R21E, BLOCK 11, Lot 5 - 9	\$157.50
WACKER, THOMAS E	854 SHERMAN AVENUE	0773501014002000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 13, PT BLK 13;BEG W69' FROM NE COR SE60'(S), SW43', NW75' (S), E28' TO POB (SCALED)	\$2,141.05
OUR OCEAN VIEW LLC	208 SOUTH 10TH STREET	0773502009017000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 26, Lot 5 - 6	\$130.46
HOME RUN RENOVATIONS LLC	1100 SPRUCE STREET	0773502041020000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 35, Lot 45 - 46	\$128.70
SPARKS, RANDY	314 GRAND AVENUE	0773502013010000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK TE, BEG SE COR LT 6 HULSECUTTERS SUB, S48.33', W132', N48.33', E132' TO POB	\$121.73
WILLIAMSON, ANDY T L	616 SPRUCE STREET	0773602042012000	CLARK & REES ADDITION, BLOCK 30, Lot 12, (SCALED)	\$168.25
CHISHTI REAL ESTATE INC	619 OAK STREET	0773602022004000	CLARK & REES ADDITION, BLOCK 33, Lot 5	\$121.42
HUDSPETH, CHADWICK G	625 OAK STREET	0773602022006000	CLARK & REES ADDITION, BLOCK 33, Lot 7	\$3,526.90
WATT, BRUCE D	212 OLIVE STREET	0773602034008010	CLARK & REES ADDITION, S36, T08, R22E, BLOCK 9, Lot 12 - 13	\$994.38
BARBUTO, DANIEL G	1439 VILAS STREET	1020304012002000	CLEVELAND PARK SUB, BLOCK 12, N30' LT 13 & LT 14 & W1/2 VAC ALLEY ADJ	\$136.04
JORDAN, BILLY J JR & BARBARA A	1511 VILAS STREET	1020304014001000	CLEVELAND PARK SUB, BLOCK 24, N172.14' OF E162.65' OF BLK 24	\$130.00

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
TIMON, KATHY M	800 POTTAWATOMIE STREET	0772604211028000	COCHRAN & MULLIGAN'S SUB, BLOCK 23, LT 23 & E15'LT 24 (SCALED)	\$116.61
SMITH, AMY R	926 POTTAWATOMIE STREET	0772603108007000	COCHRAN & MULLIGAN'S SUB, BLOCK 24, Lot 38 - 39	\$1,444.44
ADAMS, YOLANDA	721 SPRUCE STREET	0773504001004000	DAVIS, JAMES, ADD, BLOCK 1, E1/2 LTS 11 & 12	\$132.09
STANCIL, ASHLEY	1011 COLUMBIA AVENUE	0773504011004000	DAVIS, JAMES, ADD, BLOCK 6, Lot 10	\$150.00
JIBRIL-NEUSE TRUST	1000 SOUTH BROADWAY STREET	0773504011001000	DAVIS, JAMES, ADD, BLOCK 6, Lot 6	\$115.00
DWYER, ALLEN	733 PAWNEE STREET	0772601409007000	DAY & MACAULAY'S SUB, BLOCK 102, Lot 30	\$1,250.00
JAMERSON, CHARLES E III & KIMBERLY R	1011 NORTH BROADWAY STREET	0772601307001000	DAY & MACAULAY'S SUB, BLOCK 107, Lot 6	\$399.98
DODGE, CHARLES K JR & JESSICA R	517 NORTH 7TH STREET	0772604107029000	DAY & MACAULAY'S SUB, BLOCK 98, S67'LTS 43-46	\$126.79
ALEXANDER, LUTHER C JR & ALEXANDER, KARO	719 DAKOTA STREET	0772601410006000	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, Lot 37 - 38	\$390.20
ROSS, LEE A	714 KIOWA STREET	0772604101005000	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, LT 6 LESS W2'	\$175.00
J R MILLER INVESTMENTS LLC	1001 NORTH 7TH STREET	0772601404020000	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 103, Lot 1 - 7, ACRES 0.57	\$199.46
DUCKS CARPET CLEANING LLC	902 NORTH 7TH STREET	0772601408009010	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 95, Lot 7 - 16	\$375.00
SANTEE, DAVID ROY	615 PROSPECT STREET	0773603039004000	DAY'S SUBDIVISION, BLOCK 18, W1/2 LT 6 & ALL LT 7	\$2,072.88
CLARK, MATTHEW J & DONA A	1024 2ND AVENUE	0773603010012000	DAY'S SUBDIVISION, BLOCK 8, Lot 22	\$1,030.74
CAMMACK, CURTIS W	617 MIDDLE STREET	0773603024005000	DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 15, Lot 6 - 7	\$1,091.40
BRUNDY, JOSEPH W JR & DOROTHY E	1416 4TH AVENUE	0773603040011000	DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 19, Lot 19	\$750.00
WILLEY, MARY S	823 KICKAPOO STREET	0772604208007000	EWING, ROELOFSON & CO., BLOCK 13, Lot 16 - 17	\$126.38
HIATT, DONALD L	611 NORTH 8TH STREET	0772604208025000	EWING, ROELOFSON & CO., BLOCK 13, LTS 5 & 6 & S28.5'LT 7	\$3,215.65
LOPEZ, JULIO C & ANGELA L	809 SENECA STREET	0772604313002000	EWING, ROELOFSON & CO., BLOCK 17, Lot 10 - 14	\$236.00
NANNEN, STEVEN F	714 NORTH 11TH STREET	0772603103005000	EWING, ROELOFSON & CO., BLOCK 6, Lot 20 - 22	\$141.82
SCHOWENGERDT, PETER	715 NORTH 10TH STREET	0772603103001000	EWING, ROELOFSON & CO., BLOCK 6, Lot 6 - 9	\$156.97
SALYERS, VICTORIA A	1117 POTTAWATOMIE STREET	0772603015003000	EWING, ROELOFSON & CO., BLOCK 8, Lot 12	\$890.66
MATHIS, REGINA D	430 NORTH 12TH STREET	0772603015007000	EWING, ROELOFSON & CO., BLOCK 8, LTS 20-21 & N1/2 LT 22	\$1,279.34
THE ZENITH SHOP	829 KICKAPOO STREET	0772604208009000	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, LT 19 LESS TR BEG NE COR S63', W8.4', NE63', E1.2' TO POB	\$1,919.41
NEW CHRISTY MINSTRELS FOUNDATION	617 NORTH 8TH STREET	0772604208001000	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED)	\$137.56
R & M INVESTMENT GROUP LLC	500 ELM STREET	0773603026009000	FACKLERS ADDITION, BLOCK 28, Lot 13 - 16	\$3,750.00
ADAMS, RYAN M	508 MAPLE STREET	0773603033011000	FACKLERS ADDITION, S36, T08, R22E, BLOCK 30, LTS 13 & 14 EXC E10' LT 14	\$200.00
BALDWIN, ELIZABETH K	1912 MONTEZUMA AVENUE	1010201016021000	FENNS BROADWAY SUB, BLOCK 1, Lot 27 - 28	\$123.33
LD DEVELOPMENT LLC	1460 QUINCY STREET	0783404003013000	FOOTE'S SUBDIVISION, S132' OF W132' LT 2	\$161.47
LD DEVELOPMENT LLC	1440 QUINCY STREET	0783404003014000	FOOTE'S SUBDIVISION, S34, T08, R22E, ACRES 4.31, LT 2 EXC S132' OF W132'	\$130.00

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
H&P DEVELOPMENT LLC	800 NORTH 17TH STREET	0782704005001000	FOWLER'S ADDITION, Lot 4, ACRES 2.21	\$1,950.00
MAHANA, JIMMIE C	2604 SOUTH 16TH TERRACE	1020304003027000	FRAZIER ADDITION #2, Lot 10	\$136.77
WILLIAMS, SHAMAR V R	2048 MARJORIE CIRCLE	0783402003037000	GREENAMYRE'S REPLAT, S34, T08, R22E, BLOCK 2, Lot 13	\$120.00
2024 SOUTH 4TH STREET LLC	2024 SOUTH 4TH STREET	1010102032001000	GWIN'S, N. A. SUB, BLOCK 1, Lot 5 - 9	\$1,109.51
THOMPSON, WILLIAM L	1107 NORTH 10TH STREET	0772602003014000	HANNON'S ADDITION, BLOCK 4, Lot 3 - 5	\$1,230.36
BRAMMELL, RORY S	923 NORTH 10TH STREET	0772602013001000	HANNON'S ADDITION, S26, T08, R22E, BLOCK 2, Lot 8 - 9	\$152.68
LIS, KEVIN	2605 FOLSOM STREET	1020304009006000	HATTOCK'S MEADOW, S03, T08, R21E, Lot 12	\$279.51
LOVELADY, ROY L	1905 THORNTON STREET	1020303001006000	HICKORY OAKS SUB, Lot 6	\$142.48
GREEN, JENNIFER K	1430 9TH AVENUE	0773504030018000	INSLEY & SHIRE'S SUB, BLOCK 5, Lot 9 - 10	\$122.90
REYNOLDS, DIANA D	1435 CENTRAL AVENUE	0773504030010000	INSLEY & SHIRE'S SUB, BLOCK 5, S16'LT 42 & N20'LT 43	\$115.73
STONEHOUSE RENTALS INC	1320 9TH AVENUE	0773504022016000	INSLEY & SHIRE'S SUB, S35, T08, R22E, BLOCK 2, Lot 3 - 4, (SCALED)	\$122.98
FRESH AIR FOUNDATION	2227 2ND AVENUE	1010103009006000	JOHNSON'S SUBDIVISION, PT BLK 15 JOHNSONS SUB & PT BLK 6 BYINGTONS SUB,BEG SW COR BLK 15 JOHNSONS SUB,N60',E125' S60',W125' TO POB	\$404.37
MIDWEST RESIDENTIAL LLC	1002 COLUMBIA AVENUE	0773504010001000	KELLYS, JOHN, RESURVEY, Lot M	\$112.51
GAY, RICKEY J & BONNIE L	4927 GIRARD STREET	1061400001004110	LAKESIDE VIEW SUB, Lot 10, SECTION 14 TOWNSHIP 09 RANGE 22E	\$141.26
KORANDA, DIANE M & FRANK C	1816 THORNTON STREET	1020302003013000	LARKIN EST PH #1, BLOCK 2, Lot 5	\$128.51
GENESIS ONE LLC	729 CHESTNUT STREET	0773501030002000	LATTA'S ADDITION, BLOCK 27, Lot 3	\$2,245.15
MATHER ENTERPRISES	5100 SOUTH 13TH STREET	1061400002003060	LEAV AREA BUSINESS CENT, S14, T09, R22E, Lot 1, ACRES 5.55, SECTION 14 TOWNSHIP 09 RANGE 22E	\$370.00
SWEENEY 2 LLC	520 PAWNEE STREET	0772601406013000	LEAVENWORTH,PLT ORIG, BLOCK 60, Lot 11	\$1,536.18
JACKSON, WINNIE	519 PAWNEE STREET	0772601407003000	LEAVENWORTH,PLT ORIG, BLOCK 61, Lot 23	\$260.49
GLZ SOLUTIONS LLC	625 KIOWA STREET	0772604103011000	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 20	\$3,023.71
BRUNGARDT, SANDIE	619 KIOWA STREET	0772604103008000	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 23	\$110.15
ALEXANDER, JUSTINE	116 OTTAWA STREET	0772503101005000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 12, Lot 17 - 19	\$1,618.41
PALLESEN, RANDALL D	119 SENECA STREET	0772503405004000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 17, Lot 15 - 16	\$3,017.82
MEDARIS, CATHY ANN	201 OSAGE STREET	0772503107001000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, Lot 32	\$2,416.58
FRUECHTING DREI LLC	301 OTTAWA STREET	0772503207001000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 39, Lot 30 - 32	\$136.42
MULLINS, BRIAN ALAN	317 POTTAWATOMIE STREET	0772503212005000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, E1/2 LT 25 & ALL LT 26	\$2,448.82
OLD CANAL FINANCIAL	323 OSAGE STREET	0772503213008000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 21	\$2,926.30
INVERSE ASSET FUND LLC	420 OTTAWA STREET	0772503205013000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 55, Lot 11	\$1,904.37
PAYNE, HARRY F	506 DAKOTA STREET	0772502011007000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 3 - 4	\$1,363.76

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
MARRERO, ANGELINA S	507 SHAWNEE STREET	0772503312002000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 70, E7.2'LT 28 & ALL LT 29	\$776.60
RICHMOND, LANCE WILLIAM & SULLIVAN, TES	1517 9TH AVENUE	1010201004006000	MARSHALL'S SUBDIVISION, BLOCK 1, N40' OF S180' OF BLK 1	\$2,496.44
BARR, TYLER A	934 OSAGE STREET	0772603401006000	MIX'S SUBDIVISION, BLOCK 2, Lot 17	\$379.16
AILIN, RACHEL RS	836 MIAMI STREET	0772604305014000	MIX'S SUBDIVISION, BLOCK 4, Lot 22 - 24	\$984.55
LOUGH, MANDI & CHAD A	807 NORTH 12TH STREET	0772603002018000	MORRIS METRO SUB BL 1-4, BLOCK 1, N1/2 LT 4 & ALL LT 5	\$340.34
FORD, EDESEL DALLAS;TRUST & FORD, LINDA	2501 GIRARD AVENUE	1010204013002000	NEELY'S FOREST ADDITION, BLOCK 7, N1/2 LT 6 & ALL LT 7	\$125.00
LUDWIG, BETTY L; TRUST	1066 FRANKLIN STREET	0773503014011000	NORTON, WILLIAMS & THOMAS ADDITION, S35, T08, R22E, BLOCK 9, Lot 10 - 11	\$120.00
WHITE, STACY M	1229 SPRUCE STREET	0773503005002000	NORTON,WILLIAMS&THOMAS ADD, BLOCK 3, Lot 17	\$139.58
COPPER TOP LLC	603 13TH TERRACE	0782704004034000	OTTAWA SUBDIVISION, BLOCK 2, Lot 1, (SCALED)	\$129.79
KNOX, RICHARD K & ETHEL R	812 KICKAPOO STREET	0772604205020000	RAINTREE SUBDIVISION REPLAT, Lot 12	\$370.00
BROWN, FLOSSIE & KING, DELORES	651 SOUTH STREET	1010102019001000	REES' DONIPHAN&THORNTON'S, BLOCK 14, LT 1 & VAC ALLEY ADJ	\$2,728.04
KING, CHARLES LEROY & BROWN, FLOSSIE	653 SOUTH STREET	1010102019001010	REES' DONIPHAN&THORNTON'S, BLOCK 14, LT2 & VAC ALLEY ADJ	\$1,975.93
NEU, DOUGLAS LEE	1921 5TH AVENUE	1010102023011000	REES' DONIPHAN&THORNTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ	\$156.70
PITTS, LEE & THERESA	2020 5TH AVENUE	1010102025001000	REES' DONIPHAN&THORNTON'S, BLOCK 21, LTS 1-3 & N40' LT 4	\$184.57
WINN, RICHARD & MEYER, NICHOLAS	805 OHIO STREET	1010201005006000	ROELAND ADDITION, Lot 5	\$126.95
SOUTH HILLSIDE DEVELOPMENT LLC	2300 WILSON AVENUE	1010104006001130	RUTTER'S REPLAT, S01, T09, R22E, Lot 4	\$2,597.62
DODGE, CHARLES K & & JESSIANNA C	636 LIMIT STREET	1010103017005000	S01, T09, R22E, ACRES 2.2, PT SW1/4 SW1/4 BEG N R/W LI LIMIT ST 170 ' E SW COR SW1/4 SW1/4, E223', N360'(S) TO SLY AT&SF R RR/W, NWLY ALG AT&SF RR R/W W 140'(S), W100'(S), S432 TO POB & ABAN RR ROW ADJ (SCALED)	\$1,703.38
HUD	644 LIMIT STREET	1010103017004000	S01, T09, R22E, PT SW1/4 SW1/4; BEG 30' N & 30' E OF SW COR SW1/4 SW1/4, N108', E140', S108', W140' TO POB	\$479.28
KARPIERZ, RYON N	549 UTAH STREET	1011202005008000	SHAMROCK ACRES ADDITION, BLOCK 2, W39'LT 9 & ALL LT 10	\$150.11
AUTOZONE INC #1622	1600 SOUTH 4TH STREET	1010102001001000	SKYWALKER HEIGHTS, Lot 1&2	\$130.00
ALLEN, DUANE AARON & TINA	46 VILAS STREET	0930603005007000	SOUTHSIDE PARK SUB, BLOCK 27, W50' LT 43 (SCALED)	\$128.16
HERNANDEZ, KETZY	50 LOGAN AVENUE	1010104013009000	SOUTHSIDE PARK SUB, BLOCK 33, Lot 12	\$1,692.86
MYUS SYNERGY LLC- MERCURY SERIES	68 LOGAN AVENUE	1010104013006000	SOUTHSIDE PARK SUB, BLOCK 33, Lot 18	\$246.07
ASSOCIATION OF THE HEARTLA	150 MARION STREET	1010104001006000	SOUTHSIDE PARK SUB, BLOCK 4, LTS 1-3 & LT 20-22 & S1/2 VAC THORNTON ADJ & VAC ALLEY ADJ	\$200.00
CAMMACK, CURTIS W	617 MIDDLE STREET	0773603024005000	SOUTHSIDE PARK SUB, S01, T09, R22E, BLOCK 36, Lot 10 - 11	\$429.96
MATZEDER, ROBERT A	51 LOGAN AVENUE	1010104019001000	SOUTHSIDE PARK SUB, S01, T09, R22E, BLOCK 36, Lot 10 - 11	\$2,653.18
ERICKSON, ERIC J & RABEKAH M	2928 SPRING GARDEN ROAD	1011101004009070	SOUTHWINDS SUB, Lot 7	\$130.02
GUTIERREZ, AMY NICOLE & ALEJANDRO VALDEZ	2609 SOUTH 16TH TERRACE	1020304003053000	STIEFF REPLAT, Lot 1	\$156.31



Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
CONREX RESIDENTIAL PROPERTY GROUP 2013-9	1608 SOUTH 5TH STREET	1010102002013000	STILLE'S SUBDIVISION, BLOCK 1, LTS 25,S6.9'LT 26,N28'LT 24 & E1/2 VAC ALLEY ADJ	\$413.56
GREEN, MICHAEL J	1314 GRAND AVENUE	0773503022010000	STILLING'S BLKS 12-17, BLOCK 13, Lot 38	\$1,678.88
HAAS JEREMY	1220 KINGMAN STREET	0773503021017000	STILLING'S BLKS 12-17, BLOCK 14, LT 26 & N24'LT 27	\$120.74
JIPSON, JOSHUA	1230 10TH AVENUE	0773503020013000	STILLING'S BLKS 12-17, BLOCK 15, S1/2 LT 45 & LTS 46-49	\$150.95
GILES, MARNETTE J	1028 RANDOLPH STREET	0773503010015000	STILLING'S BLKS 4-8, BLOCK 6, S164'LT 10 & 11	\$131.07
H&P DEVELOPMENT LLC	1009 KENTON STREET	0773503010004000	STILLING'S BLKS 4-8, S35, T08, R22E, BLOCK 6, N125.5' LTS 19 & 20	\$1,988.97
DSV SPV3 LLC	1028 KENTON STREET	0773503001013000	STILLING'S, BLKS 1-3, BLOCK 1, Lot 26 - 29	\$150.78
DONALD, PHELPS M & ROSE M	1118 KENTON STREET	0773503002009000	STILLING'S, BLKS 1-3, BLOCK 2, Lot 16 - 18	\$1,138.07
PEDERSON, HAROLD C	1001 10TH AVENUE	0773504008002000	STOCKTONS SUBDIVISION, BLOCK 5, Lot 8 - 15	\$1,050.00
MILLER, GIOVNNINO Z & MARTIZA I	1000 CENTRAL AVENUE	0773504006003000	STOCKTONS SUBDIVISION, S35, T08, R22E, BLOCK 3, Lot 1 & 2, N1/2 LOT 10 & LT 11 BLK 6 & VAC STOCKTON ST	\$1,277.10
BARR, DANIAL	771 OTTAWA STREET	0772604212004000	WESTERN ADDITION, BLOCK 112, Lot 21 - 22	\$160.00
O'NEAL, KELLY M	1922 ROSE STREET	1010102030013000	WOLLMAN PLACE, S01, T09, R22E, LTS 16-19 & VAC ALLEY ADJ	\$298.73
GORDON, BETTY	1529 10TH AVENUE	1010201006005000	WOLLMAN'S SUB OF W1/2 BLK #4, S02, T09, R22E, Lot 13 - 15	\$2,731.30
WOODS ON MUNCIE ASSOC	1150 MUNCIE ROAD	1011103004026000	WOODS ON MUNCIE, S11, T09, R22E, BLOCK 1, Lot TRACT A, ACRES 3.45	\$175.00
		<b>Grand Total</b>		\$106,481.13